

APPENDIX 1

**Planning Reference 6.71.102.F.FULMAJ
Marton-cum -Grafton Parish Council comments**

Marton cum Grafton Parish Council

The Smithy
Marton cum Grafton
York YO51 9QJ

Mr A Hough
Planning Officer
Department of Technical Services
Harrogate Borough Council
Knapping Mount, West Grove Road
Harrogate
HG1 2AE



28 October 2004

Dear Mr Hough

Objection to Planning Application 6.71.102.F.FUL.MAJ 04/04631/FULMAJ

Application for planning permission for erection of replacement building & retention of existing building to form meat cutting, processing and packing premises with the seasonal killing and preparation of poultry and game, 2 storey extension to existing dwelling and vehicular access at Rougham Farm

This letter is in response to the information supplied with the notice dated 5 October 2004 and is in addition to the Parish Council **notice of objection** and primary reasons recorded on the copy of the notice, returned under separate cover. It sets out the reasons why the Parish Council believes that this application should be determined by refusal.

These can be summarised as follows:

- The application is in serious conflict with the policies of the HDLP and the NYCC Structure plan. In particular it is contrary to NYCC Structure Plan Policy E2 and to HDLP policies A1, C2, C11, C13, C16, C15, HD20, NC4 and E8.
- The applicant has not demonstrated any overriding need or exceptional circumstances which would allow the setting aside of the provisions of the Harrogate District Local Plan (HDLP) and justify granting the application.
- Permitting industrial activity in this area would be contrary to Public Inquiry determinations and Harrogate Borough Council's earlier decisions relating to this site. It would also be contrary to the recommendations in the recent Harrogate Landscape Character Assessment.
- The application has features in common with the applicant's earlier attempt to gain planning permission to transfer the abattoir and meat packaging activity from Knaresborough to agricultural land at Rougham farm. The main difference is that it omits the abattoir activity, but it retains the cutting, preparation and packaging activities

which were a feature of the previous application. These are industrial activities which should be carried out on land allocated for industrial use, such as on one of the many available industrial estates in the Harrogate District. The applicant has not demonstrated why these should not be used. Rougham Farm is not an appropriate location.

- To grant planning permission would open the door to ribbon development along the A168.
- This is not a diversification by a farmer. It is the continuation and development of an existing business in Knaresborough by a limited company.
- The applicant also tries to rely on policy E8 of the HDLP **but fails to satisfy the criteria.**
- The application is incomplete in several aspects and it contains insufficient detail to support a full planning application.

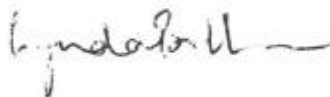
These statements are justified in the text which is attached to this letter.

Accordingly, the Parish Council requests that the planning officers and the appropriate planning committee bear in mind all the detailed objections and supporting arguments put forward by the Parish Council and determine the application by refusal.

The above is a summary of our main comments. We reserve the right to add further comments.

The application is also opposed by the Parish Council of Arkendale with Clareton and Coneythorpe, on similar grounds.

Yours sincerely



Lynda Bullus
Clerk to the Parish Council
Marton cum Grafton

Enclosures: Appendix A: Planning Policy issues
Appendix B: Planning History
Appendix C: Landscape and Amenity issues
Appendix D: Comments on the information supplied with the notification
Appendix E: Environmental issues
Appendix F: Sustainability issues

APPENDIX A

Planning Policy issues

1. The application is not in conformity with the provisions of the Development Plan now in force in the area in which the land to which the application relates is situated. In order to justify the setting aside of the provisions of the Harrogate District Local Plan, the applicant must show exceptional circumstances or "overriding need". The applicant has not done so.
2. The scheme is for industrial activity in the open countryside.
3. It is contrary to NYCC Structure Plan Policy E2.
4. It is contrary to HDLP policies A1, C2, C11, C13, C16, C15, NC4, HD10 and E8.
5. The applicant seeks to rely on government recommendations in PPG7 and PPS7 which primarily relate to sustainable development and the need to protect the wider, largely undeveloped countryside for the benefit of all. The applicant's supporting letters do not explain how these might apply to the case. Instead they state that the proposed meat cutting, processing and packing activity is the continuation of earlier activity at Castle Ings and is related to Hutton's retail and wholesale activity. Clearly this is the continuation of an existing industrial/commercial activity by a limited company whose business is that of a retail butcher and wholesaler of meat products and not a small diversification by a farmer.
6. The applicant tries to rely on policy E8 of the HDLP but fails to satisfy the criteria that the application must relate to "*the re-use or adaption of an existing building, a proposal for farm diversification or other small scale proposal requiring a countryside location for operational reasons*". This is not a farm diversification project. The applicant is a company whose business is meat processing, packaging, wholesaling and retailing. This activity does not require a countryside location.

The application further fails to satisfy other criteria of policy E8 because:

- The proposal requires new build, not just the re-use or adaptation of existing buildings
 - It would have a significant effect on the character and appearance of the landscape
 - It does not reduce the need for increased car commuting
 - It would not benefit the local economy
7. One of the buildings, built without planning permission, is under an enforcement order for demolition as retrospective planning approval was refused. It is difficult to see how planning permission for this much larger and obtrusive building could be justified.
 8. The proposed development would conflict with the NYCC and HDLP policies of discouraging ribbon development along the A168.
 9. The application documents are incomplete and do not have sufficient detail to support a full planning application. The subsequent letters from Jacksons and Mr Mudd do not deal with all the omissions. The plans are unattributed, incomplete and lack adequate detail. The letters and the application document are contradictory. As a result the application is deficient to such an extent that it could be determined only by refusal.

APPENDIX B

Planning History

In 1997 there was an attempt to obtain planning permission for a Motorway Services Area at Rougham Farm. Harrogate Borough Council and the Marton cum Grafton and Arkendale Parish Councils and local residents opposed this. Refusal was recommended by HM Inspector after a lengthy Public Inquiry. The Secretary of State accepted the Inspector's recommendation. An appeal was dropped.

On 26 July 2000 the applicant applied to extend the dwelling **without any change to the front elevation**. This application was approved.

In 2000 or earlier the applicant constructed a permanent brick and tile building without planning permission. The applicant sought retrospective planning permission on 3 October 2000 through App No 6.71.102.C.PNA which was refused 6 September 2002. The grounds for refusal were that *"the design and construction of the building as erected is unrepresentative of agricultural development and in this open location it appears as an alien, incongruous feature, detrimental to visual amenity in the locality and therefore it is contrary to Policies A1, C13 and HD20 of the adopted Harrogate District Local Plan."*

This building is the subject of an HBC enforcement order.

On 4 March 2002 HBC granted Application No 6.71.102.D.PNA for the erection of one agricultural building for the storage of livestock feed. Condition 3 stated *"notwithstanding the submitted details the building hereby permitted shall be no higher than the similar adjacent barn to the north of the application site."* Reason 3 was given as *"in the interests of visual amenity"*.

The adjacent barn is approximately 6 metres high to the ridge. The buildings in the present application are over 3 metres higher than this existing building.

In 2002 the present applicant attempted to gain planning permission for an abattoir and meat processing and packaging activity on this site. This was refused by HBC in 2003 after a thorough examination lasting over two years. The applicant clearly accepts the reasons for the refusal as there has been no appeal. The issues relating to this new application are broadly the same except that the applicant tries to rely on HDLP Policy E8, rather than E10, but once again fails to satisfy the criteria.

Examination of the files of their earlier application show that they bought Rougham Farm with the intention of relocating their abattoir and meat processing and packaging activities to it.

The present application is an attempt to achieve industrial activity on the site by spuriously claiming it to be a farm diversification activity. It appears to be a "thin end of the wedge" tactic. If it were approved, it would doubtless be followed by applications to add the abattoir activity at a later date.

APPENDIX C

Landscape and amenity issues

1. HBC's recent Landscape Character Assessments 90 and 91 cover Rougham Farm and the landscape which forms the setting of Marton cum Grafton and the North Yorks Moors and the Howardian Hills in the distance. They emphasise the tranquil, open countryside nature of the landscape around Rougham Farm. The guidelines state that "*development along the A168 and the A1M corridor should be resisted in this characteristic area*". The location is described in area 90 of the most recent Harrogate Landscape Character Assessment as '*a beautiful and appealing landscape which includes long distance views to the Dales, the North York Moors and the Howardian Hills*'. The assessment on area 91 says '*The simplicity of the arable fields is balanced in this pleasant and attractive landscape...*' and also says '*Resist large scale development not sensitive to the openness of the area. Development in prominent locations will be a focal point and bring discord to the area*'.
2. The applicant may claim that the footprint of the proposed development is smaller than that of the abattoir in the earlier application but the front aspect is similar to that of the previous application seen from the A168 and would detract from receptors' views of the setting of the Conservation area of Marton cum Grafton and the wider views to the Howardian Hills and the White Horse of Kilburn.
3. The drawing 06A of the front of the building confirms that this new proposal has a frontage of 44 metres and height of 9.7 metres which would be very prominent when viewed from the A168. It would be more than 3 metres higher than existing agricultural buildings on the site. It is different in size, design and purpose from the existing buildings on site and it appears urban and alien in the landscape.
4. The applicant has failed to produce any credible landscaping plans and, indeed, in view of the comments expressed at the 1997 Public Inquiry by HBC and others, such treatment would be inappropriate and unacceptable.
5. The site is visible from the A168, local lanes, bridleways, footpaths and properties. The proposed development would diminish the quality of the views for receptors from them.
6. The site is in the foreground of the panoramic views of the Howardian Hills and the White Horse at Kilburn, seen from the A168, the Arkendale Bridge and dwellings in Arkendale.

APPENDIX D

Comments on the information supplied with the notification

The letter indicates that the proposed new facility would have a floor area of 984m², which is similar to the total built area of the whole abattoir and processing area at Castle Ings. The application states that the internal layout may change. It is unclear what HBC are being asked to approve.

The drawings lack any information on the identity of the provider. They are lacking in sufficient detail to support a full application.

The layout of the working area is confused and impractical as there appears to be no provision for "goods inwards" doors or a carcass reception area.

The applicants state that "the exact distribution of space within the building may be subject to variation after discussions with the Food Standards Agency." This means that the information supplied cannot be relied upon.

The drawing 05A of the floorplan shows the facility to be only slightly smaller than that of the meat cutting and processing and packaging facility of the earlier application. Approximately 70% is operational and the remainder provides for a:

25m² Domestic Office
20m² lobby and entrance area
50m² area for offices and records

18m² female changing room
24m² male changing room
41.5m² canteen
60m² area for wcs

This is clearly an office, administration and amenity facility for an industrial operation and seems very large to house the alleged 5 employees. The height of the proposed building suggests that it may be intended for other purposes.

All of this underlines the fact that this application is another attempt to obtain planning permission for an industrial activity on land not designated for industrial purposes in a sensitive part of the Harrogate District landscape in a location where, at the 1997 MSA Public Inquiry HM Inspector determined against a planning application for an MSA and in

APPENDIX E

Environmental Issues

The proposed activity includes the killing of poultry and game as well as the processing of meat. It would have Environmental and Health implications.

The application does not contain an analysis of the impact on the environment nor does it give sufficient detail about waste storage, water supply and effluent disposal to enable a judgement to be made about possible risks to Public Health and the Environment.

The application does not specify operating hours but Mr Mudd's letter dated 17 September appears to leave him open to operate 7 days per week and 24 hours per day, depending on demand.

APPENDIX F

Sustainability Issues

1. The area around Rougham Farm is **not** one of significant unemployment. Unemployment in the Harrogate District is only 0.9%. Local businesses suffer from labour shortages.
2. The scheme offers no economic or sustainability benefits to the area. Indeed it would be likely to increase the distances that animals and carcasses were transported.
3. The advantages claimed for local farmers are spurious because in reality animals would still have to be transported to local abattoirs and subsequent processing could take place anywhere without the need to transport carcasses back to Rougham. Stock can be collected from farms and taken to slaughter whether the proposed facility is at Rougham Farm or elsewhere.
4. It is not served by public transport, hence employees would have to arrive by private

Marton cum Grafton Parish Council

The Smithy
Marton cum Grafton
York YO51 9QJ

Mr A Hough
Principal Planning Officer
Department of Technical Services
Harrogate Borough Council
Knapping Mount, West Grove Road
Harrogate
HG1 2AE

12

2004

27 November 2004

Dear Mr Hough

**Objection to Planning Application 6.71.102.F.FUL.MAJ 04/04631/FULMAJ :
Re-application**

Application for planning permission for erection of replacement building & retention of existing building to form meat cutting, processing and packing premises with the seasonal killing and preparation of poultry and game, 2 storey extension to existing dwelling and vehicular access at Rougham Farm

This letter is in addition to our letter dated 28th October 2004 and is in response to the additional information and plans supplied by the applicant with his letter dated 8th November 2004. That letter and the revised plans do nothing to overcome the objections set out in our letter dated 28 October 2004.

They further demonstrate that the application **fails to satisfy** the criterion of policy E8 that it "*involves a proposal for farm diversification or other small scale proposal requiring a countryside location for operational reasons*" because :

It is not small scale

It is not a farm diversification

The major proportion of the throughput will be brought into the site rather than produced on it

It does not require a countryside location for operational reasons

It is an attempt to transfer a part of Castle Ings industrial activity to the open countryside
Industrial sites including the Melmerby food cluster are available.

Not small scale

The applicants do not demonstrate that it is small scale. It is a 100% increase on the buildings it would replace.

Not a farm diversification

Jacksons' letter dated 8th November 2004 strengthens our argument that the application fails to satisfy the criteria of E8 and fails to prove that this is a diversification by a small farmer rather than an expansion and transfer of industrial activity by an existing Knaresborough company for the following reasons.

1. The throughput information shows that **only a minor proportion** would arise from animals produced (reared or brought on at Rougham Farm). The major proportion would be brought in and are not part of the farm's basic activity. The applicant seems to say that for the past 12 months the total throughput has been less than 4.5 tonnes per week and 25 % has been Rougham produced. This is a minor proportion. **Even if the applicant's 25% figure were to be accepted the major proportion (three quarters) would be brought into the site.**

2. The applicant says that the throughput was somewhat less than the limit of 4.5 tonnes . If it is assumed that the total throughput was 4 tonnes per week, then the Rougham produced 25% equals 1 tonne per week. This appears to have been processed in the 240 sqm building which is the subject of the co-pending Temporary Application 6.71.102.G.COU 04/05463/COU. That application also confirms that 25% of approximately 4 tonnes per week will be processed in the 240sqm building. **BUT THE PROPOSED BUILDING HAS AN AREA OF 989.4sqm.** This is four times the area of the temporary building, therefore one would expect the throughput of the proposed purpose built building to be at least **four times the 4 tonnes, namely 16 tonnes per week.** There is no indication that the animals produced from Rougham Farm would increase significantly (otherwise why has it been restricted in the past?) so the proportion would be 1 tonne in 16 tonnes, which is only **6.25%** which is very small. **This further contradicts the argument that the Rougham produced proportion is significant.**

3. Furthermore industry experts who have examined the plans say that the plant would not be viable on that throughput and that the true capacity would be some 25 tonnes per week. Accordingly the Rougham produced proportion would be only 1 tonne in 25 tonnes which is **only 4 %** and negligible.

We submit that the applicant's own figures demonstrate that this is not a diversification by a small farmer but an attempt by Huttons to transfer and expand industrial activity from Castle Ings.

4. This is confirmed by the applicant's answer to Question 18 on the original Application Form namely "*PARTIAL REPLACEMENT OF FACILITIES AT CASTLE INGS ABATTOIR KNARESBOROUGH*"

Requiring a countryside location for operational reasons

The applicant shows no reason why the activity must take place in the open countryside for operational reasons.

It is clear that this is an industrial activity which should not be in the open countryside but it should be on an industrial site. There are a number of food processing businesses which are located on industrial sites. Harrogate Borough Council website and publications demonstrate that there is no shortage of industrial sites in the district. There are a number of industrial sites with either buildings or land available. In particular the Melmerby Industrial Park is being promoted by HBC, Yorkshire Forward and the owners as specialising in food processing. Melmerby is better located than Rougham Farm in relation to the AIM. Melmerby is 1.5 miles whereas Rougham Farm is over 2 miles.

It would therefore seem perverse for HBC to allow industrial activity in a sensitive piece of open countryside such as Rougham Farm.

The foregoing proves that the application fails to satisfy all the criteria of E8.

PPG7 and PPS7

The applicant has not provided any evidence to support their argument in relation to PPG7 and PPS7. These policy guidances primarily encourage small, sustainable development and the need to protect the wider, largely undeveloped countryside for the benefit of all. The application does neither.

The applicant has also failed to contest the objection in our letter dated 28th October that the application conflicts with a number of HDLP policies.

The Revised Plans

The revised plans do not improve the arguments for the application. They are still unattributed.

1. The plans do however emphasize the unacceptable frontal bulk of the proposal and show that it would be an alien focal point in the forefront of the views across open countryside. We refer you to the landscape comments in our letter dated 28 October.
2. The southern elevation gives the impression of an urban office block or factory which should be on an industrial site.
3. The floor area is an approximate 100% increase over the area of the existing building

At 9.5 metres it is also at least 2 metres higher than existing buildings on the site.

4. Previous determinations by HBC indicate an intention that intrusive, high development should not be permitted at Rougham Farm. The relevant decisions are:

Application No 6.71.102.C.PNA

In 2000 or earlier the applicant constructed a permanent brick and tile building without planning permission. The applicant sought retrospective planning permission on 3 October 2000 through App No 6.71.102.C.PNA which was refused 6th September 2002. The grounds for refusal were that *"the design and construction of the building as erected is unrepresentative of agricultural development and in this open location it appears as an alien, incongruous feature, detrimental to visual amenity in the locality and therefore it is contrary to Policies A1, C13 and HD20 of the adopted Harrogate District Local Plan."*

Application No 6.71.102.D.PNA

On 4 March 2002 HBC granted Application No 6.71.102.D.PNA for the erection of one agricultural building for the storage of livestock feed. Condition 3 stated *"notwithstanding the submitted details the building hereby permitted shall be no higher than the similar adjacent barn to the north of the application site."* Reason 3 for this condition was given as *"in the interests of visual amenity"*.

The barn is approximately 6 metres high. The buildings in the present application are over 3 metres higher.

Dwelling extension

On 26 July 2000 the applicant applied to extend the dwelling **without any change in height**. This application was approved but the present application seeks to reverse that decision by raising the height of the house.

These determinations are further reasons why the application should be refused.

5. The revised drawings still fail to provide sufficient information for the application to be approved. They still show a confused and impractical layout.

6. Industry experts have described the layout as totally impractical. They also expressed surprise at the lack of detail for internal finish, wash down facilities drainage detail and at the presence of soakaways. It was suggested that they were unlikely to be approved by the Food Standards Agency without substantial modification.

An enquiry to the Food Standards Agency in Harrogate established that as at 25th November 2004 they had not been approached about this proposal or about a licence for Rougham Farm.

7. It is noted that existing farm buildings would be lost. These would need to be replaced if the animal rearing and finishing activity was to be continued.

We believe that this application is merely an attempt to obtain industrial planning permission at Rougham Farm as a part of a much larger proposal for which more planning applications would follow.

Other Issues

The applicant has still failed to address important environmental issues properly.

The Parish Council continues to be concerned about Environmental issues such as atmospheric, noise and light pollution. The applicant has not properly addressed these. We believe that it would be improper to take this application to determination without an Environmental Impact Assessment. Environmental health and food safety are material issues.

Light pollution is a particularly important problem. Rougham Farm is one of the few truly dark places in the area as it is not impacted by the A1M because the motorway runs in a cutting at that point.

For the foregoing reasons and those set out in our letter and appendices dated 28 October 2004, the Parish Council requests that the planning officers and the appropriate planning committee bear in mind all the detailed objections and supporting arguments put forward by the Parish Council and **determine the application by refusal.**

The application is also opposed by the Parish Council of Arkendale with Claretton and Coneythorpe.

Yours sincerely



Lynda Bullus
Clerk to the Parish Council
Marton cum Grafton

