

**8. FULL APPLICATION – CHANGE OF USE OF AGRICULTURAL BUILDING TO STORAGE AREA FOR MOBILE TOILETS AND USE OF STORAGE TANK FOR THE STORAGE OF THE WASTE FROM THE TOILETS – APPLICATION FOR PERMANENT CONSENT FOLLOWING TEMPORARY CONSENT AS GRANTED AT APPEAL ON 6 MAY 2014, PLANNING APPLICATION REF: 0813/0716 AT WHITE HOUSE FARM, WARDLOW- (NP/DDD/0315/0184 - 10/03/2015, P2892, 418126/374950, JK).**

**APPLICANT: MR ROGER BAILEY**

**Site and Surroundings**

White House Farm lies on the eastern side of the main street (B6465) within the main body of Wardlow. The village is a traditional linear settlement focussed around the main street and is surrounded by rolling open grazing fields of the limestone plateau. The village has a strong agricultural character with several farms containing a number of large modern sheds within the village itself. These are visible at some distance from the main A623 to the north as well as from the minor roads and a number of footpaths to the east.

The White House Farm holding is comprised of the farmhouse which is positioned to the front of the site close to the road, behind and to the side of which sit a number of large modern slate blue coloured agricultural buildings. The site is also within the Wardlow Conservation Area.

The farm is a working livestock unit based on intensive pig rearing within the buildings. The farmland associated with the holding extends to 28ha (70 acres) however the farm business operated by the applicant is confined primarily towards pig rearing within the buildings. The land is let out separately to local farmers. The buildings can accommodate 3900 pigs which are reared on contract. Slurry from the pigs is stored in tanks beneath the existing agricultural buildings and it is understood that whilst some is used on the landholding, the majority of the resulting agricultural slurry is removed from the site and spread on other farmland in the wider locality.

Since 2006, the farm has also diversified into the operation of a portable chemical toilet supply business, trading as “Luxury Loos” with the toilet units being stored, cleaned and emptied at the site. The use has intensified in recent years and now provides around 25% of the farm turn-over. In 2012 the business was regularised with the grant of a temporary one year planning consent to operate from the modern agricultural building on the south side of the main entrance to the farm and the adjacent enclosed yard area to the rear. Permission was also granted for a bulk waste storage tank which is sited on the rear, eastern edge of the main farm buildings. The temporary one year period granted by the committee in 2012 was to allow monitoring of its operation by officers and principally by the Environmental Health Officer to conclusively determine the issue of any potential odour upon local amenity. There has been a long history of complaints regarding odour from the farm and in recent years there have been complaints about odour from the operation of the toilet business use. In 2014, following refusal of an application to renew the consent on a permanent basis, the applicant obtained a further temporary 1year consent on appeal which expired on 6 May 2015. In his decision letter the Inspector considered it would be appropriate to renew consent on a one year temporary basis to enable more monitoring of the business and resolve the conflicting evidence over the odour issue.

**Proposal**

The change of use on a permanent basis of the agricultural building on the south side of the access and the adjacent yard for the storage and processing of mobile toilets along with the retention of the waste bulk storage tank.

There are 44 individual mobile box toilet units and 9 mobile toilet trailers – 4 large/medium and 5 smaller trailers.

The enclosed concrete yard area at the rear of the storage building is used for emptying and cleaning/preparing the units. The dirty external washing water – not toilet waste - drains to an underground 40,000litre holding tank.

The bulk waste storage tank is 4.3m high x 2.5m diameter tank and sited within a 4.5m x 4.5m x 1.5m high concrete enclosure. This is used for the bulk storage of the toilet waste from the mobile toilet business and is fitted with a carbon filter. The tank is emptied by a specialist waste contractor as necessary, currently around every 10months or so and the filter changed every 3 years (In accordance with the manufacturers recommendation).

The application is accompanied by a Design and Access statement, a planning statement, an odour management plan (along with details of procedures to follow in response to odour complaints) and details of the procedure for emptying the toilet units and the waste storage tank.

### **RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:-**

- 1. The storage of units and ancillary emptying and washing activities shall occur only within the designated site area as shown on Drawing No. WOL– 595 –BAI PL-12 Rev C. The number of toilets stored within the designated area shall not exceed 9 trailer units and 44 individual toilets**
- 2. All mechanical washing and emptying of the toilet units shall be carried out within the hours of 8am to 6pm Monday to Saturday inclusive. No machinery associated with the washing and emptying of toilets shall be operated outside of the specified time.**
- 3. The toilet storage use hereby permitted shall remain ancillary to and within the same planning unit as the White House Farm agricultural holding and shall not be operated or sold off separately from the White House Farm agricultural holding.**
- 4. Notwithstanding the 2005 Use Classes Order (or any order amending or re-enacting); the use hereby permitted shall be restricted to the use of the site for the storage of individual toilets and mobile trailer toilets as put forward within the application details and shown on the application drawings. There shall be no permitted changes to any alternative use.**
- 5. All human waste originating from the use hereby permitted shall be disposed of via a licensed waste disposal contractor. Copies of all waste transfer documents shall be kept for a minimum period of 5 years and be available for inspection on demand by all relevant authorities.**
- 6. The use hereby approved shall only operate in full accordance with the odour management plan/procedure for emptying toilets as submitted, and which incorporates implementation and monitoring provisions. Should any changes to the business occur, then this document shall be reviewed and amended accordingly. In addition, it shall be reviewed annually to take into consideration any changes in legislation, Codes of Practice etc. A copy of this plan along with records of all complaints and any associated documents received must be available for inspection on demand by all relevant authorities.**
- 7. Maintain adequate off road facilities for the parking and manoeuvring of all vehicles associated with the use within site.**

8. **The filter to the waste storage tank shall be changed strictly in full accordance with the manufacturer's recommendations and records kept for at least 5 years detailing when each filter was replaced. These records must include copies of any invoices, receipts etc. and maintained available for inspection by all relevant authorities.**
9. **Within one month of the date of this consent the existing bund around the bulk waste storage tank shall be sealed in order to provide the necessary secure containment required in the event of a tank wall leak/failure. Written notification of completion to be provided to the Authority along with reasonable access for inspection.**

### **Key Issues**

The key issue in this case is the effect of the toilet business upon the amenity of local residents with particular emphasis on the risk of unpleasant odours.

In terms of the principle of the development, the appeal decision in 2014 which granted a further temporary consent for this proposed operation determined that the business development was acceptable in principle on this site.

Therefore, the key consideration in relation to the proposed permanent use of the site is whether the evidence from a further year of monitoring operations is sufficiently clear to conclude whether there would be any effect upon the living conditions of nearby residents, with particular regard to the risk of unpleasant toilet smells.

The other main issues in this case are:

- The Policy background
- The impact on landscape setting of the National Park/Conservation Area
- Noise from the operation of the business
- Highway safety

### **History (relevant to the current application)**

1988 – 2006 - Various approvals for agricultural buildings, initially relating to the rearing of cattle and pigs, but more recently related specifically to intensive pig rearing

2009 – Enforcement enquiry regarding alleged unauthorised operation of a toilet distribution business from the site. Units included 20-25 single toilets and 3-5 larger green double units.

2010 – Enforcement Officer site visit confirmed mobile toilet business commenced in 2006 with two trailer units and four single toilets. All units were stored outside the buildings. A grey shipping container was also used. Applicant informed use required planning permission and application invited.

2011 – Refusal by Planning Committee for the retrospective use of former silage area for the storage and distribution of mobile toilets, and along the access drive, meaning the toilets would have been a prominent feature when passing the site. The application was refused on the Adverse impact on the Conservation Area, the detrimental effect on amenity and the character of the area by virtue of the odours produced, uncertainty that the use will benefit the farm business and a lack of information to demonstrate that there would be no risk of pollution affecting residential properties, SSSI sites to the south and west and a limestone major aquifer

2011 – March - Delegated authority given to commence enforcement action at the site.

2011 – September - Appeal dismissed against the 2011 refusal. The Inspector noted that whilst the waste storage tank would not appear incongruous in the landscape, the toilet units (as stored then in the silage clamp) would be visible and adversely affect the character of the Conservation area. On the odour issue, whilst noting that there was no conclusive evidence in relation to smells from the toilet storage, he referred to the lack of an odour management plan and that he could not be fully satisfied that the nearby occupiers would not be adversely affected.

2012 - Enforcement Notice issued requiring the cessation of the toilet business use

2012 – Planning permission granted for a temporary 1 year period for the change of use of the agricultural building and associated yard immediately south of the main farm access as a storage area for mobile toilets and use of bulk storage tank for the storage of the waste from the toilets. This would allow monitoring of the site with a view to conclusively resolving the odour issue.

2013 – Refusal for application to renew permission on a permanent basis for the change of use of agricultural building to storage area for mobile toilets and use of storage tank for the storage of the waste from the toilets.

2014 – An appeal against the 2013 refusal allowed a further temporary 1 year consent expiring on 6 May 2015. The Inspector noted only one confirmed toilet odour event had been recorded (which the applicant claimed was a one off event and had taken steps to prevent this recurring) by the Environmental Health Officer's monitoring which coincided with the village odour diary. However he was unable to reconcile this with the local objectors' reports of odour issues occurring on 26 out of 90 days of diary records. The Inspector further commented that *"Comparing the two accounts, I think it probable that some degree of nuisance was caused on occasions that did not coincide with EHO visits. At the same time I find it difficult to accept that toilet smells at a level sufficient to cause offense over and above the smells emanating from the pig farm occurred on almost a third of the days during the monitoring period"*. He went on to comment that *"...it is evident that the quantities of pig slurry arising from 3000 to 4000 pigs and the associated smells are on a much greater scale than the relatively small and seasonal quantities of stored toilet waste. In that context it ought to be possible with due care to manage any smells caused by the toilet hire business to a level that does not add materially to the agricultural smells. If it could be shown to be highly likely that the 2 October 2013 incident had been a genuine one-off with little chance of a repeat, and that there had been no other significant odour incidents during the trial period, then that would support the grant of a permanent planning permission. However I find it difficult to reach an objective assessment of the smell risk on the basis of the conflicting evidence presently available"*. He also dismissed the Committee's second reason for refusal based on an interpretation of Core Strategy Policy CC3 considering it was not appropriate given the waste is removed from the Park for disposal. He went on to grant a further one year consent on the following conditions:

- 1) Storage of toilets and ancillary emptying and washing activities restricted to designated areas and number of toilets stored not to exceed 9 trailer units and 44 individual toilets.
- 2) No emptying and washing of the toilet units other than between 8am to 6pm Mon – Sat (inc).
- 3) Ancillary to and in the same planning unit as the farm with no separate operation or sale.
- 4) Use restricted to the use described in the application with no permitted changes to other uses.
- 5) All waste from the use disposed of by a licensed waste disposal contractor.
- 6) The use operated in full accordance with the odour management plan/procedure/monitoring.
- 7) Off-road parking and manoeuvring space provided for all vehicles and trailers associated with the permitted use.
- 8) Submit/agree details of how and when the filter on the waste storage tank must be changed.

## **Consultations**

### **Derbyshire County Council Highways – No objections**

The application drawings show adequate parking and turning for the proposals. This Authority has not been made aware of any problems affecting the public highway relating to the operations on this site. On the basis of the above this Authority would not wish to raise objections to the proposals subject to the following condition in the interests of highway safety:

1) The premises, the subject of the application, shall not be occupied until the on-site parking and turning spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

### **Derbyshire Dales District Council Environmental Health**

No objections - Recommend existing conditions under the temporary planning permission are also applied to any new permission should it be granted. Provided the following summarised comments on the monitoring carried out for this case.

The first complaint was received in 2009 from a local resident about the odour from the toilet business. A visit was made to the complainant's property and officers were able to detect the odour from pigs but not from other sources. No further visits were made that year but following further complaints a total of 6 visits were made by officers and 8 visits the year after that. None of these detected odour from the mobile toilet business.

In 2012, the owner of the business applied for planning permission. Although officers had not witnessed any odour from the mobile toilet business, it was felt that given the residents' concerns, the Council recommended a temporary planning permission of a year to allow further monitoring. The Council also suggested various planning conditions which included an odour management plan. During 2012, a total of 18 visits were made, none of which found nuisance from the mobile toilet operator.

In 2013 a total of 17 visits were made by officers, one of which on the 2<sup>nd</sup> of October, an officer did detect odour that was distinct from the pigs and had a chemical nature to it as well as what the officer believed to be human waste. This was reported to the Peak Park as there was a new planning application from the operator of the business. A temporary permission was subsequently granted on appeal.

It was decided that an intense period of monitoring would be done in 2014 to determine once and for all whether there really was a problem with the toilet business. Given concerns raised by the complainants, consideration was given to ensure that these visits included evenings and weekends.

During 2014, a total of 53 visits were made during which, no officer witnessed odour from the mobile toilet business.

Conclusion - Given the history of the investigation, the Council can only conclude that apart from the single incident witnessed in 2013, there is no evidence that the business is giving rise to nuisance.

### **Wardlow Parish Meeting**

A Planning Meeting to discuss the application resulted in a majority vote in favour of the application. As there were a few complaints the Parish would like the following comments to be taken into consideration:

- Concerns regarding the smell emanating from the business but it was understood that an environmental report would be produced. The requirements of the PDNPA Core Strategy Policy Section CC3 in relation to waste management and the Local Plan (2001) LC4 should also be taken into consideration.
- Concern that this type of business was being run within a conservation village.

### **Representations**

On letter of support has been received from a Wardlow resident who states that they live in close proximity to White House Farm and have never had any adverse environmental issues with the "mobile toilet business" and would be happy for the planning application to be put on a permanent basis.

### **Main relevant Policies**

Relevant Core Strategy policies: GSP1, GSP2 and GSP3 – protect the National Park principles/promotes sustainable development: DS1 – permits farm diversification as part of the development strategy and L1 – seeks to protect the landscape character. E1 – Permits business uses within villages subject to restrictions on scale and operation.

Relevant Local Plan policies: LC4 – provides basic design criteria, LC5 – Seeks to protect the character of Conservation Areas and LC14 – allows for appropriate farm diversification, where non-vernacular buildings remain appropriate to the area, LC21 – covers pollution and disturbance issues.

The Parish Council consider Policy CC3 to be relevant, as did the Planning Committee in the 2013 refusal. However in his decision letter for the subsequent appeal the Planning Inspector considered that this policy does not apply to this development given the waste is taken out of the park as against being disposed of within. In these circumstances your officers continue to advise that the policy is not relevant to this particular development proposal.

### **Wider Policy context**

#### **National Planning Policy Framework**

As a material consideration in planning decisions, the NPPF recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the NPPF recognises that in applying the general presumption in favour of sustainable development, specific policies in the Framework indicate that development should be restricted, for example policies relating to National Park.

Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It goes on to state that to promote a strong rural economy planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings as well as promote the development and diversification of agricultural businesses.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation. It points out (footnote 25) that further guidance and information, including explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010.

The N.P.P.F at Paragraphs 56/ 57 promotes good design and paragraphs 109-116 promotes the protection of sensitive landscapes (National Parks) and paragraph 28 supports sustainable growth of all types of business and enterprise in rural areas and promotes diversification and development of other land-based rural businesses.

## **Assessment**

### Background to Waste Storage, Removal and Disposal Procedure

For clarity, an overview of the whole process is that the toilets are towed by Land Rover to and from events on a trailer (in the case of the individual toilets) or for the larger toilets, the unit itself is a towable trailer. These units contain a concentrated chemical additive to control foul odours (similar to that used in domestic caravan toilet systems), which is recycled in the toilets through filters during use. As the business has developed a percentage of hirings are now 'dry hirings' where the hirer arranges for servicing independently. Other hirings are serviced on site with the waste taken directly to the licensed waste disposal company rather than the unit(s) being returned to Wardlow for cleaning.

For the traditional hirings when the toilet units return from events they are unloaded and the waste is sucked into a small towable tanker. This also contains clean water for washing out the unit and its filters. When washing is complete, fresh chemical additive is added along with a small amount of water and the toilet is then stored ready for re-use. The waste within the mobile tanker is then pumped from the tanker into the main bulk storage tank at the rear of the farm. This has a 25000 litre capacity and is emptied by a tanker from a specialist waste disposal contractor from Chesterfield. Evidence of the use of this company's services has been inspected and confirmed by your officers along with evidence of the filter replacement.

The potential spillage concerns raised in the past were effectively overcome by the implementation of the Environment Agencies suggestions (with regard to reducing the potential for ground water contamination) that the washing yard be concreted over and drained to the below ground grey water tank along the bunding of the waste storage tank, work which has all been completed although it was noted at the officer's site inspection this time that the bund around the bulk storage tank has gaps that need to be sealed. A condition to require that along with notification to Authority on completion is therefore suggested.

### Principle of Use

The NPPF promotes all kinds of sustainable business use in rural areas and particularly farm diversification to support a prosperous and growing rural economy. It recognises the importance, both in economic terms and for employment, that a thriving farming community is maintained in the countryside along with other business uses and rural enterprise.

The Core Strategy Development Plan Document 2011 in Policy DS1 also promotes a sustainable distribution and level of growth and states that in all settlements and in the countryside, rural enterprises requiring a rural location, including farm diversification will be acceptable in principle.

Although local objectors have suggested in previous applications that the mobile toilet business is inappropriate in principle within a village, this view is not supported by policy and was not shared by the Inspectors in either the 2011 or 2014 appeals or by the Planning Committee when they accepted the principle of the use as appropriate farm diversification in 2012. The temporary

nature of that consent and the one granted by the Inspector last year were considered necessary by the Committee and subsequently by the Inspector because of either, a lack of evidence to conclusively prove there would be no amenity harm from any odour arising from the use, or that the evidence was conflicting with local reports.

The notion that businesses should be segregated away from residential property is outdated and the NPPF is clear that issues of sustainability and reducing travel-to-work journeys are more important. The business use is also supported in principle by local policy DS1. Therefore, subject to the site specific planning considerations being satisfied, the general principle of the business development is considered to be appropriate. Furthermore the general principle of agricultural diversification to assist in the financial stability of an existing farm enterprise in the countryside is accepted by national and local Development Plan policies (E1, LC14).

The proposed use lies within Wardlow village, a designated settlement and on an existing farm holding. It has re-used an existing building for economic purposes linked to the diversification of the farms revenue. The applicant states that the current operation continues to provide around 25% of the farms turnover and it is clear that the continued 'diversification' of the holding assists in ensuring the viability of the agricultural enterprise in this farming village. Consequently it is apparent the business continues to yield profits to supplement the agricultural business and conditions could ensure the long term benefit to the farm. This was accepted last year by the Inspector with the use restricted by condition to remain in the same planning unit and ancillary to the farm. As such the application is considered to comply with LC14.

In conclusion, the current proposal raises no particular policy concerns and it is considered that the principle of the use is acceptable, subject to the site specific planning considerations being satisfied. The key issue is therefore whether its operation over the last year has given rise to any conditions that have harmed the amenity of local residents and thus would prevent the grant of a permanent consent.

#### Impact on the Amenity of Neighbours

The impact of the odours emanating from the operation of the toilet business and from the waste storage tank has been the key issue raised by the community, although notably in this application there are no objections from the Parish Meeting and there have been no third party objections submitted at the time of drafting this report.

Since 2012 the Planning Manager, the Director of Planning and the Monitoring and Enforcement Team Manager have all inspected the site on different occasions and witnessed the waste transfer operations. No detectable foul odours were ever found, the only smell from the toilet unit being a mild pine disinfectant fragrance when in very close proximity (1m and less) to an opened toilet waste tank during transfer. Within the yard, around the storage tank and in the storage building there was never any odour detected. At each visit however, and when passing the site on varying dates, there was frequently a strong odour of varying intensity clearly arising from the existing intensive pig unit housed on the site.

Matters regarding odour and noise nuisance are however controlled principally by the Environmental Health Department of Derbyshire Dales District Council. Over the past year the site has been very thoroughly monitored, principally by the Environmental Health Officer (EHO) who has carried out 53 visits. In addition your own officers have also carried out 8 formal visits along with many more ad-hoc 'drive-by's'. During 2014/5 no odour issues whatsoever have been identified with the toilet hire business although on most occasions when your officers visited there was a clear odour of varying intensity associated with pigs as one would expect with up to 3900 intensively reared pigs present in the buildings alongside the application site.

It is also important to note that the intensive monitoring during 2014 following scrutiny to lesser degrees by the EHO with 1 visit in 2009, 6 in 2010, 8 in 2011, 18 in 2012, 17 in 2013 and apart from the single confirmed odour issue on the 2 October 2013 all the monitoring to that point and since has found no evidence of an odour problem with the operation of the business despite the strong representations to the contrary from local residents.

In a previous application the Environmental Health Officer (EHO) suggested that one potential source of the nuisance could be when air is expelled from the main tank during filling. The applicant has since installed the carbon filter in the lid of the tank specifically designed to remove sewage odour from expelled air. At that time the EHO also inspected the waste transfer process first-hand and did not consider this to be a source of odour nuisance.

Following the confirmed odour event back in 2013, officers questioned the applicant and his agent about the circumstances surrounding that particular day's events to try and ascertain whether there were any unique or unusual circumstances in that case which pointed to a one off problem, or whether the circumstances showed there was an on-going problem with the operation of the business in respect of odour. The applicant explained the problem that day resulted from toilet units being returned from an event unusually full as a result of the event organisers not having booked enough toilets for the numbers of guests. With the units being unusually full the chemical concentration in the units, previously always sufficient for normal use, was diluted to a far greater extent than would be normal and was unfortunately then unable to mask the odour of the waste. The applicant considers this was a unique case and will be all the more unusual now because water use has been substantially reduced/removed in many of the units with the use of alcohol gels instead of/or in addition to sinks. The applicant understood that this problem was unacceptable, especially after the EHO visit on the day, but pointed out this was an unusual one off event and needed to be seen in the context of a large number of hirings over the course of the whole year.

Following that event the applicant has taken steps with subsequent hirings to prevent this problem re-occurring by having more checks during booking, making sure any over-full units are serviced or emptied on site along with looking at doubling up on the chemical concentration in suspected under-booking cases. Given there has been no repeat issues during a long period of extensive monitoring by two Authorities, your officers have concluded that the 2013 single odour problem was, on balance, a unique event and unlikely to be repeated on the available evidence. Furthermore, following the extensive monitoring throughout 2014/5 your officers, like the Environmental Health Officer, consider that the toilet business causes no harm to the amenity of local residents.

#### Landscape Impact Considerations.

The site lies within the Wardlow Conservation Area and hence Policy LC5 is relevant and requires that the character and appearance of the Conservation Area be conserved. Policy LC4 requires amongst factors such as layout, design and landscaping, that residential amenity is not harmed.

The farm building within which the use is located was approved in March 2006, but the consent did not require its removal when agricultural use ceased. As the building is in good condition and will remain so for the foreseeable future, its re-use for a purpose associated with the farm complies with criterion (b) of Policy LC14, as it would remain appropriate to the area. The building and 2.5m high gate across the adjacent yard screens the use from all outside views thus ensuring there is no adverse visual impact upon the surroundings. The gated screen matches the design and colouring of the cladding on the adjacent buildings and therefore is in keeping with its immediate surroundings. The bund and waste storage tank do not appear incongruous in the landscape being sited against the background of large agricultural sheds.

The storage of the toilet units, out of sight within an existing building and behind the gates enclosing the yard has clearly overcome the previous concerns about landscape impact and harm to the appearance of the Conservation area. The development therefore preserves the character of the Conservation area and has little impact on the landscape setting of the National Park. The proposal therefore complies with Policy LC4/LC5 and LC14.

### Noise

It was reported in the past, but not repeated in any representation in respect of the current application, that the noise from the pumping unit/jet washing operations used to empty and clean the toilets is intrusive. It is understood that the pumping unit operates for a minimal amount of time per day and given the seasonal nature of the work will not be in use for much of the year. Moreover the site is a functional farm and a degree of noise disturbance during normal working hours is to be expected, especially when jet washing of the pig buildings occurs to clean out and disinfect when the pigs have gone. Jet washing of other farm vehicles will also occur as part of normal farm operations.

A condition restricting the operation of the processing operations to within normal working hours was judged to be appropriate in the previous temporary approval and is still appropriate now.

For the reasons given above it is not considered that noise from the cleaning of the units would give rise to a significant amenity problem providing the hours are controlled as before.

### Highways Issues

The toilet business uses the existing main farm access drive from the highway to access the yard and the storage building. As the site is also a working farm there is already adequate space for the parking and manoeuvring of large vehicles. As the farm and this business are closely associated, it is not envisaged that this situation will change as it would equally hinder the parking and manoeuvring of farm vehicles. The entrance into the building and yard is set back from the public highway and any manoeuvring will occur away from the highway such that it should not impact on highway safety.

The use has not generated any significant increase in traffic that would warrant a refusal of planning permission. The Highway Authority have raised no objections and are not aware of any adverse effect on the operation of the public highway since the granting of the temporary consents.

The Highway Authority's suggested condition to require the applicant to submit details of the parking and turning area for agreement is not considered to be warranted in this case given the context of the existing access and large yard areas. A more proportionate condition simply requiring maintenance of adequate space is suggested above instead.

### Conclusion

In principle diversification of the farm business through the use of part of the site for the toilet business is judged to be acceptable and in compliance with adopted national and local planning policies subject to detailed conditions.

The applicant has demonstrated the financial benefit to the agricultural enterprise as a result of the ongoing use which at this scale complies with LC14. The proposal is not considered to have a detrimental effect on the visual qualities of the area, does not raise highways concerns and subject to conditions is not considered to present a risk of pollution or noise nuisance.

On the main issue of odour, the results of the very extensive monitoring by the Environmental Health Officer and Authority officers have now conclusively demonstrated that, apart from the

one-off problem in 2012, the normal operation of the toilet business does not give rise to any odour problem. Officers can now recommend to the Planning Committee that the business be granted a permanent consent at this time subject to the conditions set out above to control the use and secure the link to farm diversification.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)

Nil