

**Proposed development: Full Planning Application for demolition of existing pig sheds, relocation of existing farrowing unit, erection of agricultural livestock building, a straw bedding container and a hard standing.**

**Site address:  
Silk Hall Farm  
Tockholes Road  
Tockholes  
Darwen  
BB3 0NQ**

**Applicant: Mr Mark Navesey**

**Ward: Darwen West  
Cllr Brian Taylor  
Cllr Dave Smith  
Cllr Stephanie Brookfield**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions set out at paragraph 4.1.**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

2.1 This full planning application is reported to the Committee following receipt of 9 objections from the local community, and the Parish Council. This is in accordance with the adopted Scheme of Delegation.

2.2 The application is submitted following refusal of an application proposing a similar agricultural livestock building, within a corresponding land holding, in 2019, for the following reasons:

*The application fails to evidence an ongoing and viable agricultural business from the site. Accordingly, no justification exists for an agricultural building of the size, scale and siting proposed. The proposal is, therefore, considered to represent inappropriate development within the Green Belt, in the absence of any very special circumstances having been demonstrated; contrary to Policy 3 of the Blackburn with Darwen Borough Local Plan and the NPPF.*

*The proposal would have an adverse effect on the amenity of the neighbouring residential properties and of the area in general, by reason of an unacceptable increase in odour and general pollution or nuisance, thereby failing to maintain satisfactory levels of residential amenity; contrary to Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and the NPPF.*

2.3 The current proposal involves a reduction in scale and re-positioning of the building to that previously refused. It also includes a detailed Odour Assessment and evidence of a viable, ongoing agricultural enterprise.

2.4 Assessment of the application finds the proposal to be acceptable in land use terms and from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions, thereby overcoming previous reasons for refusal.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

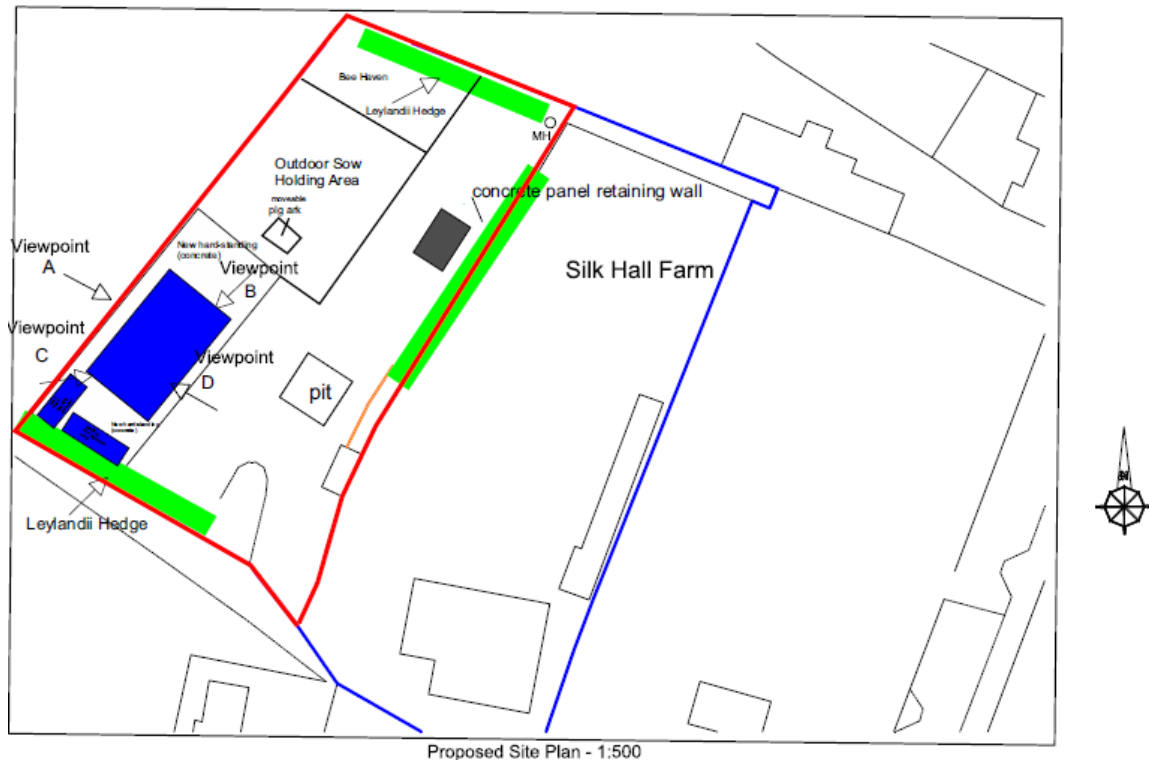
3.1.1 The application site (the site) relates land associated with Silk Hall, located to the west of Tockholes Road, Tockholes. The applicants overall land ownership comprises a residential use, a long established commercial engineering use (approved permanently in 1986 – ref. 10/86/1343) and an agricultural holding. The proposed building would sit within the agricultural land holding which amounts to approximately one acre of the total land

ownership (as confirmed by the applicant's consultant), adjoining the western boundary of the engineering yard. Access into site land is taken from the west of Tockholes Road, into Silk Hall.

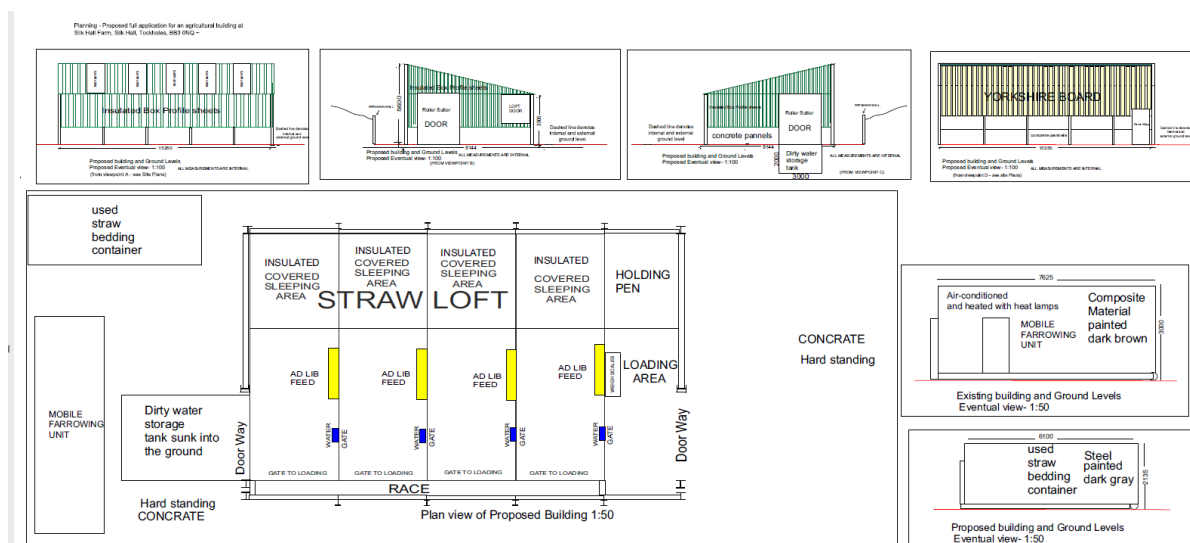
- 3.1.2 A small scale pig farming enterprise currently operates from the site, comprising a number of sheds and a farrowing pen which are used for the rearing of young pigs, an outdoor area dedicated for finishing as well as two pig arks which house breeding sows.
- 3.1.3 The site also accommodates an egg laying facility. Hens are housed within an existing shed. An extant permission does, however, exist for a replacement shed which may be constructed in the future.
- 3.1.4 The site is located within the Green Belt, in accordance with the Local Plan Part 2 Adopted Policies Map. The area is generally rural in character, punctuated by residential and farming uses.

## **3.2 Proposed Development**

- 3.2.1 Planning permission is sought for the demolition of existing pig sheds, relocation of existing farrowing unit, erection of agricultural livestock building, a straw bedding container and a hard standing. The livestock building would house up to 80 production pigs (aged up to 22 weeks), The proposed building measures circa 143sqm which compares to the 230sqm building previously proposed.
- 3.2.2 The applicant submits that the proposed building is associated with an existing pig farming activity which is needed to improve current (pig) welfare facilities and improve efficiencies. The building will result in the cessation of outdoor 'finishing' – ie. rearing of young pigs up to saleable weight.
- 3.2.3 The proposal represents a reduction in scale and repositioning of a proposal previously refused in 2019. Full details are set out in the submitted drawings and supporting statements.



Extract from submitted proposed site plan received 2<sup>nd</sup> September 2021



Extract from submitted proposed floor plans and elevations received 2<sup>nd</sup> September 2021:

### 3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Blackburn With Darwen Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

### 3.3.3 Core Strategy:

- Policy CS1: A Targeted Growth Strategy
- Policy CS14: The Green Belt
- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Environment

### 3.3.4 Local Plan Part 2 (LPP2):

- Policy 3: The Green Belt
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 41: Landscape

## 3.4 **Other Material Planning Considerations**

### 3.4.2 National Planning Policy Framework (The Framework):

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 6: Building a strong, competitive economy
- Section 13: Protecting Green Belt land

### 3.4.3 National Planning Policy Guidance (NPPG)

## 3.5 **Assessment**

3.5.1 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Highways - Accessibility and Transport; and
- Design – Layout and Character / Appearance.

### 3.5.2 Principle

Demolition of the existing buildings is acceptable. Their demolition will be secured via condition, prior to operational use of the proposed livestock

building, in order to guard against them remaining as additional livestock accommodation.



Existing buildings to be demolished – photograph taken 21<sup>st</sup> July 2021:

- 3.5.3 As a site located within the Green Belt, Policy 3 of the Local Plan Part 2 guides the principle of development. The policy reinforces The Framework (at paragraph 149) in directing that the construction of new buildings in the Green Belt is inappropriate, subject to exceptions which include support of buildings for agriculture, as well as engineering operations. The building and engineering operation of the hard standing is accepted as a proposal for the purpose of agriculture.





Application site – showing existing pig arc structure – photo taken 21<sup>st</sup> July 2021:



Application site – showing existing pig arc structure – photo taken 21<sup>st</sup> July 2021:





Looking south towards application site – photograph taken 21<sup>st</sup> July 2021:

- 3.5.4 For clarity, Members are advised that there is no requirement to assess the impact of an agricultural building on the openness of the Green Belt, notwithstanding public objection in this regard.
- 3.5.5 Paragraph 84 of NPPF includes a requirement for planning policies and decisions to enable the sustainable expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and for development and diversification of agricultural and other land-based rural businesses.
- 3.5.6 In this context, the agricultural status of the land holding is previously established, through a 2017 permission for an agricultural building to house chickens; at which time the applicant provided evidence from the Rural Payments Agency (dated August 2011) of a registered agricultural business, including a 'Farmer Single Business Identifier' number and a 'Vendor' number. This added significant weight to the existence of a viable agricultural business at that time.
- 3.5.7 In support of the principle of a livestock building, the Animal Health & Welfare Officer at Lancashire Trading Standards offered support to a previous withdrawn application, acknowledging that the pigs and their owners would benefit from having a purpose built unit, to enhance welfare and assist in the management of the enterprise.



3.5.8 A response from the Council's agricultural consultant ADAS is currently outstanding. Their response will be included in a subsequent update report.

3.5.9 Amenity

Policy 8 requires development to contribute positive to the area and to secure a satisfactory level of amenity and safety for surrounding uses, including reference to noise, odour, other pollution or nuisance, and the relationship between buildings.

3.5.10 Up to 80 production pigs will be kept on site, together with a boar and 8 breeding sows, in order to generate a steady flow of new stock.

3.5.11 Impact of the proposal on the living conditions of neighbouring residents is a fundamental issue in assessment of the application. Public Protection recognise odour as the single biggest amenity issue to be addressed. Accordingly, a specialist Odour Assessment (the assessment) is submitted with the application which Public Protection have peer reviewed. It is important to note that odour impact assessment is considered in the context that a pig farming activity currently operates from the site, which is lawful in land use terms. Moreover, Members are advised of odour complaints and ongoing investigations by Public Protection colleagues which establishes a degree of odour nuisance upon neighbouring residential properties.

3.5.12 The assessment sets out that potential odour releases were defined based on the size and nature of the identified sources. Impacts at sensitive receptors were quantified using dispersion modelling, the results compared with the relevant benchmark level and the significance assessed in accordance with the appropriate guidance. Assessment includes the existing hen / egg laying facility, which sets the number of birds at a maximum of 100 at any time. This would ensure that pig rearing is efficiently managed and not compromised by egg laying operations.

3.5.13 The proposed building effectively consolidates the pig farming activity to within purpose built accommodation and its immediate surroundings, including a separate farrowing unit. That the activity currently exists from within an uncontrolled environment, including from within dilapidated sheds, is an important material consideration, notwithstanding a proposed increase in pig numbers.

3.5.14 The building would be sited to the south western corner of the agricultural plot which the assessment considers to be the optimum location, relative to safeguarding residential amenity, taking account of the prevailing westerly wind direction. That the building will result in more pigs being kept inside, within a controlled environment and at a greater distance from dwellings downwind of activities is also recognised.

3.5.15 The merits of a purpose built facility should, therefore, be acknowledged in having the potential to improve the containment of odours, considered against the existing circumstances, for the benefit of neighbouring residents, particularly those downwind.

3.5.16 Farmyard manure produced by pigs will be stored within a covered skip or muck trailer in order to provide containment of odour emissions. The manure will be removed from site when conditions for spreading are favourable.

3.5.17 Odour modelling carried out is accepted (by Public Protection) as referencing appropriate guidance and utilisation of appropriate methodology. Assessment is, therefore, considered to be sufficiently robust to inform well-reasoned conclusions.

3.5.18 Although the odour modelling has a favourable outcome, some concern remains as to neighbouring impacts. Public Protection do, however, acknowledge that such concern does not directly translate into evidence in support of resisting the application on odour grounds. Consequently, support is offered, subject to a series of recommended odour control measures to be secured via conditions. These are summarised as follows (precise wording of all conditions are set out at paragraph 4.1:

- Submission of an Odour Management Plan;
- A limitation of livestock (pig) numbers;
- Defined locations for farrowing and rearing;
- Soundproofing to the building;
- Limitation of hens to no more than 100;
- Retention of the Bee Haven or similar, as a buffer free from pigs;
- Submission of a scheme of planting and future management / maintenance thereof, along the north east and south west boundary of the site.

3.5.19 An additional safeguarding measure is the existing presence of a 'Bee Haven' forming a physical separation between the sow holding area on the neighbouring dwelling downwind, at Duck Hall, as indicated on the submitted site plan. Retention of the haven will be secured via condition.

3.5.20 The proposed livestock building would be sited circa 30m to the north west of Rose Cottage and at a lower level. No direct interface would arise and the degree of separation is sufficient to ensure no significant threat to amenity levels, with specific reference to outlook, to residents of Rose Cottage. A ample circa 60m separation between the building and Duck Hall to the north east is achieved.

3.5.21 Considered against the existing circumstances of the site which includes dilapidated buildings arranged in an ad hoc fashion, the proposal is found to make a positive contribution to the area.

3.5.22 Overall, when considered against impacts arising from the pre-existing circumstances of the site, no evidential harm to public health or amenity would arise from the proposal. Instead, a beneficial outcome would likely arise for neighbouring residents, subject to application and compliance of the recommended conditions.

3.5.23 On balance, the development is found to be in accordance with the requirements of Policy 8 of the Local Plan Part 2 and The Framework.

3.5.24 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but not limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.25 No significant environmental issues arise from the proposal, though it is considered that a surface water drainage scheme is secured via condition.

3.5.26 The development is found to be in accordance with the requirements of Policy 9 of the Local Plan Part 2 and The Framework.

3.5.27 Highways

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.28 It is submitted that traffic generation will not increase significantly. Trips out of the site will be limited to once every two weeks when pigs will be transported to market (held twice per month). Incoming trips will be on occasional, as and when feed and bedding will be brought in.

3.5.29 Any increase in traffic generation along Silk Hall should, therefore, be sufficiently modest so as not to prejudice highway safety / efficiency or residential amenity.

3.5.30 Moreover, highway impacts must be considered in the context of The Frameworks direction at paragraph 11, which states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

3.5.31 The development is found to be in accordance with the requirements of Policy 10 of The Local Plan Part 2 and The Framework.

3.5.32 Design / Character & Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.33 The proposed building is typically agricultural in appearance and common to the rural landscape, thereby demonstrating and understanding of the wider context. Its position close to an existing series of buildings and its scale,

guards against any significant impact on landscape character arising from long range views into the site from the public realm.

3.5.34 Materials are typical of the agricultural vernacular, consisting of Juniper Green box profile tin sheeting and Yorkshire boarding walls and Juniper Green box profile tin sheet roof. Materials will be secured via condition.

3.5.35 The development is found to be in accordance with Policies 10 and 41 of The Local Plan Part 2 and The Framework.

3.5.36 Heritage

Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. The proposal is supported by submission of a Heritage Statement.

3.5.37 That the proposal would be positioned in close proximity to the Grade II Listed Building at Silk Hall is a consideration. The Council's Heritage consultee offer no objection to the proposal, acknowledging that no discernible harm would be caused to the building, thereby ensuring the statutory test 'to preserve' is met.

3.5.38 The development is found to be in accordance with Policies 39 of The Local Plan Part 2 and The Framework.

3.5.39 Other Matters

The above is considered to address all material matters relating to the assessment of the application.

3.5.40 Public objections refer to restrictive covenants attached to the land. However, no evidence of any such covenant is presented. Regardless, private covenants are non-enforceable by the Council and are non-material to the determination of this application.

3.5.41 Refusal of a proposed piggery elsewhere within Tockholes is also referenced in objections. Again, no evidence is presented and a planning history search of the area reveals no such refusal.

3.5.42 Summary

This report assesses the full planning application for demolition of existing pig sheds, relocation of existing farrowing unit, erection of agricultural livestock building, a straw bedding container and a hard standing.

In considering the application, all relevant material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan, the Gib Lane Masterplan and The Framework.



## 4.0 RECOMMENDATION

### 4.1 Approve.

**Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 7<sup>th</sup> June 2021 and with the following drawings numbered: *(to be added)*.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The existing building shown as being removed on the submitted drawing NAV 16 and received 02/09/2021, shall be removed prior to the occupation / operational use of the new agricultural livestock building.

REASON: To protect the amenity of residents and to guard against harm to landscape character, in accordance with Policies 8 and 41 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, an updated Odour Management Plan (OMP) shall be submitted to and approved in writing by the Local Planning Authority. The OMP shall be a comprehensive plan covering all aspects of odour and shall include but will not necessarily be limited to the following details:

- Effluent storage and general management thereof within the site;
- Removal of effluent from the site; and
- The method of ventilation for the approved building, including mechanical specifications and a future / ongoing management / maintenance regime.

The approved OMP shall be implemented prior to occupation of the approved livestock building and be so retained for the duration of the operational use of the building. Any change to the approved OMP must be formally agreed in writing by the Local Planning Authority, under the provision of s73 of the Town and Country Planning Act 1990 (as amended), prior to implementation of any change.

REASON: To protect the amenity of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. The application site, as defined by the red edged on the submitted site plan and location plan on drawing numbered: NAV 16 and received 02/09/2021, shall accommodate a maximum of 80 production pigs, a boar and 8 sows at any time.

REASON: To protect the amenity of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Farrowing of pigs shall only take place in the mobile farrowing unit and the rearing of pigs shall only take place within the new agricultural livestock building, as identified on the submitted site plan on drawing numbered: NAV 16 and received 02/09/2021.

REASON: To protect the amenity of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Prior to commencement of the development hereby approved, a soundproofing scheme for the new livestock agricultural building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall take account of all internal noise sources, including any powered ventilation. The approved scheme shall be implemented prior to operational use of the approved livestock building and be so retained for the duration of its operational use.

REASON: To protect the amenity of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The application site, as defined by the red edged on the submitted site plan and location plan on drawing numbered: NAV 16 and received 02/09/2021, shall accommodate a maximum of 100 hens at any time.

REASON: To protect the amenity of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The area demarked as a 'Bee Haven' on drawing numbered: NAV 16 and received 02/09/2021, shall be retained as such, unless otherwise formally agreed in writing by the Local Planning Authority, under the provision of s73 of the Town and Country Planning Act 1990 (as amended), prior to any change.

REASON: To protect the amenity of residents and in the interests of biodiversity, in accordance with Policies 8, 9 and 41 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Prior to commencement of the development hereby approved a tree or hedgerow planting scheme for the north east and south west boundary of the site shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall include the following:
  - Species;

- Density planting;
- A future management and maintenance strategy detailing pruning so as not to exceed a maximum stated height and width.

11. The scheme shall be implemented in accordance with the approved detail during the first available planting season following completion of the development. Trees or hedgerows dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by those of similar size and species during the first available planting season after the loss of the trees and/or shrubs.

REASON: To protect the amenity of residents and in the interests of biodiversity, in accordance with Policies 8, 9 and 41 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Prior to commencement of the development hereby approved, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, prior to the occupation of the approved livestock building and be so retained for the duration of its operational use.

REASON: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health in accordance with Policy 9 of the Blackburn With Darwen Borough Local Plan Part 2

## **5.0 PLANNING HISTORY**

10/17/0804: Erection of an agricultural building and fencing. Approved under delegated officer powers, October 2017.

10/19/1210: Erection of an agricultural building for livestock and storage of agricultural machinery. Refused under delegated officer powers, February 2020.

10/20/0715: Erection of an agricultural livestock building. Withdrawn.

## **6.0 CONSULTATIONS**

### **6.1 BwD Public Protection**

With reference to the planning application I have the following comments:

The proposal is a varied resubmission of a previous application. Our section had significant concerns about odour impact from the previous application and in particular a lack of information relating to the same. A refusal was recommended.

The current submission relates to a different location for the livestock building and has relevant supporting information relating to the odour impact from the proposed livestock unit. This includes an odour modelling report and an odour management plan.

Odour remains the single biggest potential issue from our perspective although noise has also been flagged as a concern.

It has to be determined if the presence of the building and the increased number of pigs will give rise to an unacceptable loss of amenity to surrounding odour sensitive premises. Specifically those properties in the locality that are in residential use.

#### Odour Impact

It is acknowledged that livestock uses come with a certain amount of odour impact.

There are currently pigs and chickens kept on the land and it is important to note that we have had complaints about the odour from the existing operations. Observations made by colleagues from this department have noted odours on occasion.

The previous application was lacking in supporting information in this regard.

The proposal is for a single large purpose built piggery to replace the current collection of more temporary and dilapidated buildings. There will be an increase in numbers of livestock in the new building.

The new proposal has located the piggery to the South West corner of the plot. This was considered by the odour consultant to be the better location given the nature of the plot and location of adj receptors relative to the prevailing wind directions.

Odour modelling has been completed by Redmore Environmental and discussions held with their consultant about the modelling exercise.

The modelling does make reference to the appropriate guidance and uses an appropriate methodology.

The conclusion of the modelling report is that there will only be a slight impact in the rear garden of one of the properties in the locality. It predicts a negligible impact elsewhere.

This can certainly be considered positive although it is important to note that modelling is merely theoretical and is subject to some degree of inaccuracy when compared to real life situations.

Our investigations over the last couple of years have indicated that there has certainly been more than a slight impact upon neighbours as a result of the current situation on site. The argument seems to be that the new building will improve upon the existing arrangement. More pigs will be kept inside and the building is located at a greater distance from premises downwind of the development. I can see some justification for this argument and the report obviously supports this conclusion.



Despite the positive findings of the odour modelling report I do remain concerned about the future impact upon neighbours as a result of the proposal. The proposal does increase numbers of pigs on the land and the building is close to neighbouring properties.

It is however difficult to translate these concerns into defensible evidence to recommend refusal in light of the supporting information on odour.

However, if permission is granted, it must be very much conditional, with as many safeguards as possible to ensure that odour can be controlled and managed.

A number of conditions could be applied. I would be happy to discuss the suitability of the various conditions and wording if approval is to be granted.

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The odour management plan submitted with the application is ok but is something that will need regular revision and updating as the project progresses. All odour management plans are a living document and are subject to constant review.

The odour management plan needs to be expanded to include, for example, things like how the livestock building will be ventilated which is currently not included in the plan.

This can be conditioned.

#### Condition – Odour Management Plan

Prior to the occupation of the livestock building a revised and updated odour management plan must be submitted to and agreed in writing with the local planning authority. The agreed plan shall be retained for the duration of the approved use.

Any changes to the odour management plan must first be agreed in writing with the local planning authority.

#### Livestock numbers

We must consider that there is also a previous approval relating to a 300 place poultry unit in addition to the proposed 80 place piggery.

Notwithstanding the positive odour modelling I believe that this represents a high intensity use for a small piece of land. Whilst it is a rural location, the parcel of land is not very large.

The applicant has expressed uncertainty as to if the 300 place poultry cabins will be constructed. It would allay some fears if agreement could be made that this use not come forward if the piggery is to be approved.

Even if this can be secured then I believe that the maximum number of pigs should be conditioned as it is on this basis that the modelled conclusions have been drawn.

An example condition could be

Condition

There shall be no more than 80 pigs kept in the approved buildings at any one time.

I also feel that conditions need to ensure that the pigs can only be farrowed / reared in the purpose built units as it is on this basis that the odour modelling conclusions are drawn. I also think it is important that the sows are kept in the locations as described and there is no scope to use land that is closer to residential receptors.

#### Condition

Pigs shall only be farrowed in the purpose built farrowing pen and pigs shall only be reared in the approved pig rearing building as detailed on the submitted plans.

#### Condition

Sows shall only be kept in the outdoor holding areas as detailed in figure 2 in the odour management plan submitted with the application. Unless otherwise agreed in writing with the local planning authority.

#### Noise

Concerns have been raised over noise.

Previously, much of the noise has been caused by the flurry of activity when the pigs are fed. This was improved by the introduction of a later feeding time and the introduction of ad lib feeding systems where possible.

The moving indoors of many of the pigs is going to better reduce noise levels, providing the structure of the building is sufficient to contain the sound generated by the pigs. An ad lib feeding system is proposed inside the building.

At this stage the sound reducing properties of the building are not going to be known.

It is also possible that any powered ventilation employed in the new pig building could have an impact upon neighbours on the grounds of noise.

This could be conditioned via a noise control scheme or a spec for the building. Feeding times could be conditioned.

#### Condition

Prior to the commencement of the approved development the soundproofing specification of the approved building and the details of any any powered ventilation to be utilised shall be agreed in writing with the local planning authority. The building shall only be constructed according to the approved specification.

## 6.2 BwD Heritage

### Assessment

I have reviewed the supporting documents, which include existing and proposed plans and elevations, and an Agricultural Need and Design and Access Statement, prepared by Mark Navesey.

The key heritage issue for the LPA to consider is:

1. Whether the proposed development will harm the contribution made by the setting to the nearby Grade II listed building.

#### *The Proposal*

The proposal seeks to erect a mono pitched agricultural building for livestock, which will be just over 15m long and 9m wide, with the highest point of the proposed building being 5.6m and the lower eaves at 3.5m. The height of the building is to provide adequate access for farm machinery and vehicles. The proposed structure will replace a poly-tunnel and more recently a mobile farrowing unit, which sits on the site, and has been used for housing livestock.

The proposed building will contain a series of rooflights on the west elevation; facing away from the stone terraced cottages and listed building, large roller shutter doors on the north and south elevations, an additional single doorway on the west elevation and loft door on the north elevation. The proposed building will be surrounded by new concrete hardstanding.

The material finishes of the building will be concrete panels to the lower walls and juniper green insulated box profile tin sheets to upper walls on three elevations. Whereas the east elevation (view D) will contain concrete panels on the lower walls and Yorkshire Board; this elevation faces out towards the stone terraced cottages and listed building. The roof of the proposed building will be finished in insulated box profile sheets.

No material details have been provided for the roller doors, as such, I am unable to assess this element of the proposal.

#### *Impact on the setting of the Listed Building*

The issue from a heritage viewpoint is whether the proposal would harm the setting of the Grade II listed building.

The significance of the listed buildings lies in its aesthetic, evidential and historic context, primarily evidenced in the C18th listed building's fabric and architectural form/appearance. In this context, the listed buildings can be attributed as having high significance.

Silk Hall is an elongated group of stone buildings (now two dwellings) which is seen within the context of open agricultural land and other farm development. Visually when viewing from the west and south the application site whilst still visually connected is somewhat detached and any association is very limited.

The proposed location for the new building is located on lower ground to the north-west of the listed building, where the land slopes downwards away from the other farm buildings and the stone terraced cottages. The views between the two sites/buildings is limited due to the sloping nature of the ground levels and the scale of the new building will have little or no impact on the views/appreciation of Silk Hall farm.

I note there are existing modern agricultural buildings located on higher ground directly opposite the listed building. The modern buildings have slightly diminished some of the contribution made by the setting to the listed building. Indeed when viewing the listed building from off Tockholes Road the existing modern farm development is very noticeable in

the immediate context of the listed building. I am mindful that from this location the new building will be unseen, effectively being screened by the existing farm sheds.

In this regard, the relationship of the setting to the Grade II listed building will largely remain unaltered by the proposal and will not, in my view, affect the immediate setting or cause any discernible harm to the significance of Silk Hall farm.

***Conclusion / recommendation***

As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments.

I consider the proposal would meet the statutory test 'to preserve' and would cause no discernible harm to the contribution made by the setting to the significance of the Grade II listed building. Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with the policies of the Local Plan.

**6.3 ADAS**

Awaiting comment

**6.4 Lancs Police**

No Objection – standard advice.

**6.5 Public consultation has taken place, with 10 letters posted to the local community on 25<sup>th</sup> June 2021. A site notice was also displayed. In response, 8 objections were received (see Summary of Representations).**

**6.6 Tockholes Parish Council – comments received 14<sup>th</sup> July 2021:**

A meeting was held on Tuesday 6<sup>th</sup> July 2021 to discuss the full planning application – Erection of agricultural livestock building at Silk Hall Farm, Tockholes Rd, Tockholes Darwen BB3 0NJ

There was a long discussion about the planning application and the following points were raised by the residents.

- The building would be near dwellings.
- Odour issue
- Effluent issue
- Agricultural activity
- Vermin



- Noise.

The local residents left, and the Parish Councillors raised and discussed the following issues –

### **Odour Plan**

The examples of Manchester Airport, Crosby and Blackpool in the odour plan as comparisons are not valid. Blackburn with Darwen council should look at taking further comparisons more local to the area.

### **Proximity Of Building**

Planners should consider the views of residents at Rose Cottage on Silk Hall. The amended plans from previous applications now situate the building closer to their property. The area, height and proximity of the building will impact on these residents. The height of the building is the same height as Tockholes Village Hall. A mobile farrowing unit and used straw bedding container will also be closer and impact on this property.

### **Effluent Issue**

One local resident was extremely concerned about the volume and frequency of movement of the effluent from the site.

### **Agricultural Activity**

The proposed application is clearly for agricultural activity and the Parish Councillors expressed concern as to whether the site was suitable for this enterprise.

### **Vermin**

Some residents expressed concern as to whether vermin would be attracted and increased due to the location of the site. One resident stated that vermin on their property nearby to the site had increased since the start of the pigs being kept at this location.

The Parish Council would like to repeat the concerns raised by the Parish Council in the minutes of the meeting on January 7<sup>th</sup> 2020, which listed all the environmental factors including Amenity Impact as follows -

The loss of amenity to the local residents, the wider community and the village hall (a much used and valuable public amenity) is very significant, and its seriousness cannot be overstated.

Apart from the overbearing large building there are serious health risks, the noxious gases (accepted as being a problem in the application) and the noise issues.

The complete failure of the application to address important matters such as the disposal of large quantities of waste, potential problems with a slurry pit, risks to the village school suggest that these cannot be mitigated and if the application were to succeed everyone would just have to suffer.

The application refers to the dangers to both humans and animals when the slurry pit is being emptied but offers no suggestion as to how these might be managed.

Tockholes Parish Council would like to ask Blackburn and Darwen Council to consider all the points raised by residents, the Parish Council and previous comments raised at the meeting on the 7<sup>th</sup> January 2020 whilst making their decision regarding this planning application .

Judith Finney - Tockholes Parish Clerk

On behalf of Tockholes Parish Council

**7.0 CONTACT OFFICER: Nick Blackledge - [Principal Planner]**

**8.0 DATE PREPARED: 3<sup>rd</sup> December 2021**

## 9.0 SUMMARY OF REPRESENTATIONS

Objection – Mr & Mrs P R Whittam, Duck Hall, Tockholes Road, Darwen. Received – 06/07/2021.

**Planning Application: 10/21/0599**  
**Proposed Application for the erection of agricultural livestock building (pigs) at Silk Hall Farm, Long Lane, Tockholes**

Having now accessed the correspondence and plans for the above planning application, please find below our comments and concerns in respect of the proposed plans:

**1. Historic concerns which impact on the current proposal:**

Since 2017, there have been a number of planning applications on this site. Planning consent was granted in 2017 for the erection of a hen house; you will recall that this was to house 300 chickens that were already housed in existing timber cabins which were rotting and did not have the correct welfare facilities for the birds. You will also be aware that this permitted building has not been built, as outlined in the above most recent application. The rotting timber cabins have since been used to house pigs, and as a result of damage to them, the applicant has been temporarily permitted to bring on site a mobile container to house the pigs pending the review of this application.

It is now nearly three years since the applicants advised the Planning Department that these cabins did not provide the correct welfare facilities for animals, yet they continue to have been used rather than removed, and it is our understanding that the poor state of the cabins has then been considered as a rationale for new temporary buildings to be brought onto the site.

We objected to the original plans for the Hen House as it was our belief that that the land on which the "Hen House" was to be sited was designated for garden use, not business or agricultural use. We therefore opposed that particular element of the planning application as we believed that 300 chickens would fall into the commercial / business remit. In addition, we raised concerns about public health relating to the noise, odour and the attraction of insects and vermin of keeping 300 chickens.

We were advised on a number of occasions that this application was for the welfare of animals already existing on site, something we disputed at the time; this current application confirms that these animals **do not** exist in the numbers stated.

In December 2019, a planning application was submitted for a large industrial style building to house pigs. We objected to this application for a number of reasons and this application was refused in February 2020.

This basis of this application was to cater for the "outdoor" breed of pig already on site. The site housing the pigs is clearly visible from our house and we have now had two years of issues as a result of the pigs, which in our opinion are kept too close to residential amenities.

We have raised numerous issues about noise levels, but our main concern has been the stench, which has been so powerful on some days that we have been unable to open windows in the house as the stench permeates through bedding and soft furnishings and we have been unable to sit out in our garden which equates to loss of amenity.

During the last twelve months, the stench has been worst on either hot days, or following rainfall, and particularly during the summer months. During the winter we did not notice the odour to the same extent as a result of us not spending time in the garden or having the windows open. However, we started to notice the smell in February of this year and reported our concerns to Public Protection.

## **2. Odour Concerns:**

Firstly, we are pleased to see that this application is accompanied by an Odour Assessment, which we have read through in detail. The report outlines the location of the "farm." We have previously outlined to you that the name of the property is "Silk Hall Farm"- it should be noted that the main business at Silk Hall Farm is general engineering.

This report recognises that the odour emissions, based on the proposed reconfigured site still have the potential to cause impact and loss of amenity to residents.

The report states that it is planned that the production pigs will be housed indoors rather than outdoors; we understand that these are not new pigs but are the same breed that were on site during the previous planning application which stated that the pigs on site are an outdoor breed.

The report reflects that the pigs, in addition to the hens could increase the issues and therefore bird numbers will be limited to 100. As outlined earlier, we have always disputed the number of hens on site and this report confirms that there are not 300 hens on site. Should this planning application be successful, we would request that there is a caveat placed on planning consent 10/17/0804 which states that only 100 chickens can be housed in the permitted building or indeed anywhere on site.

The odour assessment acknowledges that we should reasonably expect to enjoy a high level of amenity in our home and garden. This is something that has been severely compromised over the last two years since the pigs were moved into the adjoining field.

We are therefore pleased to see that the assessment has considered the complaints we have been forced to have made.

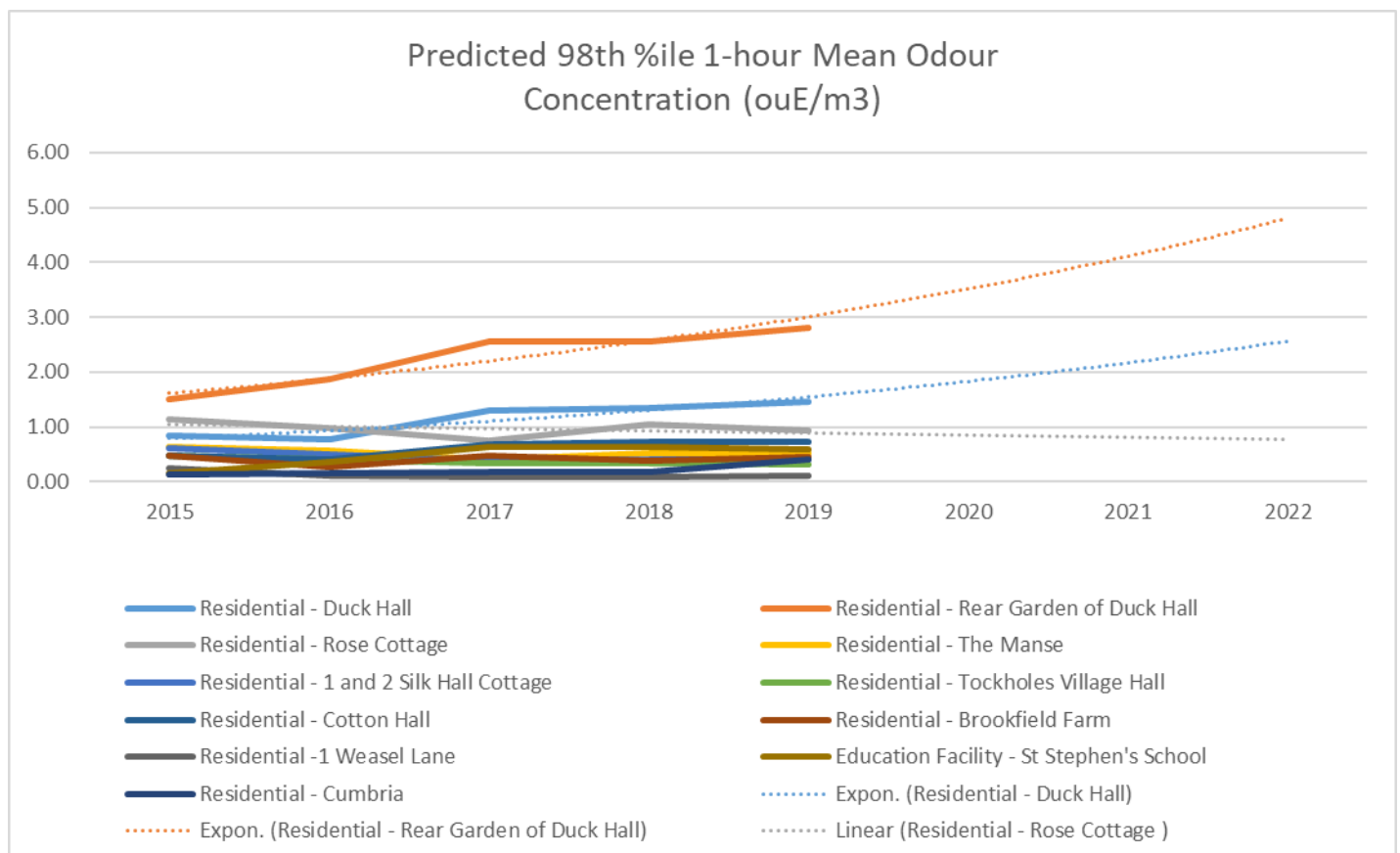
The Odour Assessment provides some considerable data in terms of wind direction, levels of emissions etc, but does not take into consideration that due to the location and elevation of Tockholes, this is a village which is well known for having its own microclimate. The observations at Manchester Airport will be hugely different from what we experience here as there are only a handful of days each year where there is no wind / breeze. During our discussions with Public Protection in terms of wind direction, they have acknowledged that the conditions in Tockholes are very different from the surrounding areas.

Section 6 of the Odour Assessment provides a table of 'Predicted Odour Concentrations'. This shows a clear increase from 2015 to 2019 and reflects the "slight" impact on our garden. Firstly, we dispute the significance is slight. Being unable to open windows, being unable to dry washing outside, being unable to work or sit in the garden without feeling nauseous as a result of the foul stench is not a slight impact.

Paragraph 6.1.2 states that the predicted odour concentrations were below the EA Odour benchmark of 3.0ouE/m<sup>3</sup> at all receptor locations for all modelling years. We are now in 2021, so immediately we were surprised that this data was not more current. When we have considered that that the predicted odour concentrations at table 16 are creeping towards 3, this would categorise our garden at moderate receptor sensitivity in table 15 rather than slight. Using the figures from 2015 to 2019, the binary judgement attributed to our garden is that the overall significance of potential odour effects is not significant

As these figures are clearly not up to date, we have used the published figures to create an exponential trend line graph through to 2022. Unsurprisingly to us, these figures increase to approximately 4.1 for our garden in 2021 and nearer to 5 in 2022. It should also be noted that the pigs were not in situation in 2015 or 2016 when these figures commence.

Based on the IAQM guidance this high sensitivity with a moderate impact determines the overall significance of potential odour as **significant**. It is our belief that the data calculations have only been included up to 2019 in order to under report the significance at paragraph 6.2.3.



### **3. Odour Management Plan / Agricultural Need and Design and Access statement**

We wish to highlight the terminology within this report which refers to the operation being a "farm." In terms of this being a viable agricultural business, we refer you back to the Delegated Officer Decision Report dated February 2020 which stated that the stock levels at the time (300 chickens and 68 pigs) "*do not constitute a viable agricultural business*". The report also confirmed that the 1-acre piece of land was not being run as an agricultural enterprise and confirmed that "*Mr Navesey has declared his occupation as an engineer*", working from the engineering units that constitute over half this piece of land.

This odour management plan puts a great deal of reliance in "a farm member" carrying out regular sniff tests. It does highlight that the assessor may suffer from "olfactory fatigue due to constant exposure to odour from the facility". We would question that someone working with the pigs can appreciate the impact on the local residents, as working with the pigs in confined spaces will mean that they are less able to appreciate the impact of the stench.

This odour management plan also puts a reliance on residents having to make complaints about the odour; we have no desire to be in a position of regularly having to contact Mr Navesey or Public Protection to complain about the odour.

There appears to be a number of conflicting statements about the number of hens and pigs on site in the Odour Management Plan and the Agricultural Need and Design and Access statement.

- The Odour Management report refers to a total of 8 sows which will remain outdoors under pig arks within one of two dedicated fields situated within the northern and southern parts of the site. The Agricultural Need and Design and Access Statement refers to two breeding sows and 2 gilts. If the Odour Management Plan is correct, this represents a substantial increase in breeding sows, which will reflect a substantial increase in litters and a substantial increase in noise and odour.
- The Odour Management Plan clearly states that there should be no more than 100 hens on site. The Agricultural Need and Design and Access Statement references building the laying bird flock to 300.

We note that one of the proposed areas of mitigation to reduce the impact to ourselves is to move the pigs that remain outdoors further south. The Odour Management Assessment and plans indicate that the pigs will not be positioned in the field closest to our property.

- In March 2021, we noted that pigs were moved from this section of the field, which had become a mud bath and the hot weather or rain were clear influences on the odour being emitted from the soil. However, this has not mitigated the odour.
- Indeed, the same week the smell was so strong that we had to cancel our plans for a BBQ due to the unbearable smell. This is evidenced within our contact with Blackburn and Darwen's Public Protection Team.

- During early April 2021, the same piece of land was rotated which caused a significant increase in the odour. This has subsequently died down, but we have no doubt that the odour will be released when the soil is disturbed by heavy rainfall, animals on it or in the sun.
- In June of this year, we reported a pungent stench in our bedroom. The bedroom window had been open and on entering the bedroom we were greeted by a stench in the early afternoon. We had to close the windows and light a scented candle to try and remove the odour. However, this does not actually get rid of the smell, it only disguises it.

We would like clarity on the usage of this piece of land; it is still clearly gated and fenced off for the pigs, and our concern is that over time, the pigs will be moved back into this field, and we will be left in a position where nothing can be done to move them as there will be no building controls that apply.

Paragraph 3.6.1 of the Odour Management Assessment indicates that Hedgerows will be planted along the northern and southern boundaries of the site which are likely to assist in reduction of odour impacts by disrupting the emission pathway between the sources and receptors.

Leylandii conifers were initially planted along part of border of our garden on 11 October 2020 and were added to in March 2021. Our first concern was the closeness to the boundary dry stone wall, and the height that these will be allowed to grow, meaning loss of light to our house and garden, especially when you consider the height of the existing conifers on the site which appear to be around 7.5m in height. Some of these conifers were due to have been removed as part of a previous planning consent in 2017, following the removal of others which Mr Navesey deemed to be dangerous due to their height – they remain in situ.

We dispute the effect the conifers will have in disrupting the emission pathway as when the wind is blowing towards Tockholes Road (East / Southeast), the odour is not stopped by the existing conifers, despite the density of them, and the 7.5m height. Should this development be permitted, as the leylandii conifers have been planted as part of the odour mitigation, we would like to see a condition which determines the height and width they will be permitted to grow and the frequency in which they will be cut to prevent a further issue arising in respect of the loss of light from our property or the damage to our boundary dry stone wall.

#### **4. Size and Positioning of the Proposed Building.**

The Agricultural Need and Design and Access statement reflects that the 138.3 square metre building replaces a poly tunnel and more recently a mobile farrowing unit which is currently on the site.

The “mobile farrowing unit” was delivered to the site on 26 February 2021. This is an industrial container, which we did not believe to be permitted, and as such



was reported to Blackburn with Darwen Planning enforcement, initially by telephone.

On 12 March 2021, we reported that the container had been painted brown and had been moved to the agricultural part of the land. Our concerns were that as this had been painted to camouflage it, it was intended to be a permanent structure. This was investigated by Blackburn with Darwen Enforcement who advised that:

*"The present use of the container is to farrow the pigs and their piglets and to provide a safe place for this in line with animal welfare requirements. This is due to a former building at the site used for this purpose being damaged during the recent weather and high winds. I have seen this damage personally at first hand and can confirm it is significant.*

*Given this is expected to be an ongoing continued use of the container, and in absence of any other useable unit within the land to farrow the young piglets, I feel the container does have a degree of permanence and for the purposes of planning legislation does constitute development as a 'building'. It is therefore subject to planning control.*

*Formal action against breaches of planning control by the Local Authority is discretionary. Enforcement action should only be taken where it is expedient to do so and when it is in the public interest.*

*I understand the owner has recently submitted a planning application under reference 10/20/0715, which addresses the need for a farrowing unit. However, this has been withdrawn by the applicant (11th Dec 2020) pending a report detailing a scheme to control odours at the site, once such a report has been compiled this will be included as supporting documentation in the re-submission of the application, which I believe is due any time now.*

*I have spoken with Mr J Wood within our Public Protection Team who confirms he is currently in discussions with an odour consultant regarding this application. In a situation like this, it is usual to hold enforcement action in abeyance pending the outcome of the application. Mindful of this information and the points raised above I am prepared to hold enforcement action subject to the following.*

*If the application under discussion fails to be re-submitted within the coming weeks or is submitted and ultimately fails to be granted approval. Formal enforcement action will commence.*

There was no consent for the "mobile farrowing unit" to be on site, and therefore it is misleading to indicate that the new building is to replace something that is existing.

In addition, paragraph 3.3.1 of the Odour Management Assessment refers to a mobile farrowing pen situated to the rear of the proposed building. There are no details in terms of this mobile unit; it is unclear to the size, or if this refers to the container that the proposed new building is due to replace.

Whilst the proposed size of the building has been reduced in floor space and height from the previous application, it still appears industrial in appearance (including roller-shutter doors) - this is still a considerable sized building with large expanses of concrete, which will impact on the landscape/Green Belt.

Our research has confirmed that this piece of land (LA461664) has always been '*pasture and meadow land*', is within the Green Belt and is subject to restrictive covenants. We are also aware that there was a previous application for a piggery within Tockholes which was refused as there was insufficient land and there was a recommendation that over an acre of land was required. We also understand that there was strong opposition which mirrors our concerns, and this did not go ahead.

## **5. Environmental Concerns:**

We raised the following concerns about the environment in 2019. These remain unchanged, but for ease of reference are detailed below:

1. Despite the change in position of the proposed building and the mitigation of the Odour Plan, we remain concerned about the negative health and environmental effects to the residents of Tockholes.
2. Pig waste is like human waste; filled with bacteria and high amounts of ammonia; the concern is that these noxious gases will pollute the air within the village; the odour will affect the health and wellbeing of residents. It will mean that residents cannot sit out and enjoy their gardens, will mean that we cannot have our bedroom window open, and will mean that we cannot dry washing outside in our garden unless we want it to smell of pig waste. This has been proven over the last 12 months and can be evidenced to the reports to Blackburn with Darwen Public Protection.
3. Pig waste will contribute to groundwater pollution in the forms of groundwater seepage and waste spray. The faeces and waste will spread to neighbouring fields (including a primary school field) and gardens, polluting air and water with toxic waste particles. The contents in the spray and waste are known to cause mucosal irritation, respiratory ailment, increased stress, decreased quality of life, and higher blood pressure.
4. This waste has the potential to carry pathogens, bacteria (often antibiotic resistant), and heavy metals that can be toxic when ingested.
5. It should be noted that the village is situated on a hill, so whilst this particular piece of land may be relatively flat, the waste will still travel with running rain water; there are risks of flooding within the village and during periods of heavy rain, there is often running water traveling down the roads in the village - therefore there will be the same effect of rain water traveling through the fields, carrying the waste into gardens, fields and the school field where young children are playing.

6. Pig waste will remain in the soil for years and has the potential to contaminate water and plants; it kills soil microorganisms as well as beneficial insects and therefore impacts on the soil fertility and ecological balance which in the long term will reduce the overall agricultural yield of the surrounding land. We can clearly evidence that despite the pigs being moved from one area to another, when the soil is disturbed, emissions are noted.
7. Tockholes is an area where we receive strong winds; therefore, the potential is that the odour and bacteria will travel beyond the residents being consulted. It is not just the odour from the pigs; there will be a combination of the waste from the pigs and also the hens that consent has already been granted.
8. The planning consent 10/17/0804 permits a hen house of 9.1m x 6.1m to be erected. The current proposals are for a further building that is 1.38square metres and an additional mobile farrowing unit. When combined these three buildings cannot fail to impact on the openness of the green belt,

In additions to our concerns, we have reviewed the Policies which the Council are required to consider as part of their consideration of the application and have made a number of comments in relation to these:

## **6. Blackburn with Darwen Core Strategy:**

- **Policy CS14: Green Belt:** We would request that the Council when assessing the impact of this proposal in the openness of the Green Belt consider that there have been two previous permissions granted, and a Lawful Development Certificate which all permit large buildings. Together these buildings impact on the openness of the Green Belt. The proposal for concrete sides of a new large building will not create a state of openness.
- **Policy CS16: Form and Design of New Development:** We understand that this considers all aspects of the physical environment, including the appearance and functioning of the build environment. The area of Tockholes is Green Belt; the property address of the applicants requesting the planning approval is **not** a farm / agricultural business. These proposals for a concrete building of the size stated which will adversely affect the openness of the Green Belt and the character of the rural village.
- **CS18 The Borough's Landscapes:** The landscape setting is one of Tockholes' key assets which we believe is recognised by the Borough's Open Space Strategy. This strategy aims to ensure that development works will be designed to maximise the views of landscapes and prevent environmental damage. We understand that any new development is required to take

advantage of its landscape setting by maximising the availability of local and distant views for users of buildings and public spaces. As previously highlighted, there is a public footpath from which this building will be clearly visible. We also understand the key features of landscapes throughout the Borough should be protected; this development will adversely affect the landscape and without any detailed information about plans to remove waste, we have concerns about the biodiversity and flood prevention due to the waste that will be produced.

## **7. Blackburn with Darwen Local Plan Part 2 (2015):**

- **Policy 3: Support for Agricultural Buildings within the Green Belt:**

- it is noted that under this policy the construction of new buildings is exempt unless for agricultural use. We believe this policy should not apply as the applicants do **not** have a farm. It is a residential dwelling with an engineering unit and land. We strongly believe that by permitting this build it will be an extension of a building already permitted and will result in a disproportionate addition over and above previously permitted buildings.
- The Delegated Officer's Report dated February 2020 clearly reflects that there is no viable agricultural business, and that the applicant is not a farmer, but is an engineer.

- **Policy 8: Development and People.**

- The Delegated Officer's Report dated February 2020 considered the merits of a purpose-built facility in improving and containing odours and noise impact to residential amenity and acknowledged that the situation would be exacerbated during warmer months. The report found that the buildings were considered to maintain a satisfactory level of amenity for residents. We believe that this still applies, and indeed as the piglets are currently housed within a container, this appears to elevate the noise from the pigs during feeding times.
- It is our view that this proposal will not positively contribute to the overall physical, social, environmental and economic character of the area in which the development is proposed to be sited and will cause unsatisfactory levels of noise, odour and potentially other health pollutants to nearby residents, including the children at the local Primary School.
- We are equally concerned that numbers have increased as indicated above by the conflicting statements around numbers. The Delegated Officer's report from February 2020 highlighted that a numbers limitation could not be given and would be unenforceable. If this planning proposal was approved, we are concerned that numbers would increase causing increased noise and odour issues.

- The Delegated Officer Report from February 2020 referred to the impact on the outlook from our garden. Whilst we note that the proposed siting of the building would not provide the same detrimental impact to ourselves, this proposal sees this impact being moved to other residents, i.e., those at Rose Cottage and therefore we still believe that compliance with Policy 8 will not be achieved.

- **Policy 9: Development and the Environment.**

- it is our view that if this application is permitted, it will have an unacceptable impact on the green infrastructure and on the water quality and drainage. The proposed development will be a loss of green open space and will not be an enhancement to the environment.

- **Policy 10: Highways**

- The need for regular waste disposal is highlighted within the Odour Management Assessment. This will increase the movement of large vehicles up and down the narrow road of Silk Hall, which will affect the residents and maintenance/upkeep on this road.

- **Policy 11: Design.**

- this does not demonstrate an understanding of the wider context or make a positive contribution to the local area. The applicants have already used concrete to construct a wall which has required mitigation as it is certainly not in keeping with the local area and ensuring the openness of the Green Belt.
- The proposed material certainly does not contribute to the character of the local village. It will not create an attractive and coherent townscape and does not respect the scale of existing buildings permitted. Indeed, it is our view that this proposed building will create a detrimental impact on the features of the village and the openness of the Green Belt.

- **Policy 41: Landscape.**

- It is our very strong view that the proposed building will have an unacceptable impact of the landscape character of the village and will erode the openness.

## **8. National Planning Policy Framework (NPPF):**

- We appreciate that in rural areas the decisions need to be responsive to local circumstances. This includes being sensitive to the defining characteristics of the local area, considering the impact on neighbouring residents and determining whether the proposed build significantly

enhances the immediate setting. We feel that this proposed build in no way enhances the rural setting and the aesthetics of the Green Belt.

- We acknowledge that decisions support the sustainable growth and expansion of businesses within rural areas. The applicant's business is engineering, which the Council has supported in previous planning consents. The Council has previously found that the applicant does not have a viable agricultural business, therefore this application is **not** an expansion of a current business and is in no way sensitive to the local surroundings.
- The fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land open. The proposed build in addition to the build already permitted but not started will create urban sprawl and will not preserve the character of the village and the Green Belt. It is misleading that the applicants live at a residential property named "Silk Hall Farm"; the property is **not** a farm and therefore should not be permitted under the premise that it is a building for agriculture. This building will create a disproportionate addition of a building to green belt land.
- This proposed build will not contribute or enhance the natural local landscape and in our view will promote unacceptable levels of air, water and noise pollution.
- We remain very concerned that whilst the size of the building has been reduced, there are still proposals for an adjacent hard standing area. This was due to have been part of the original building plans and we remain concerned that there is the intention for this to be the foundation for a future building.

## 9. Lack of Clarity / Conflicting statements

There are several conflicting statements within the Agricultural Needs Statement and the Odour Management Assessment. It is our view that clarification is required before the Council are formally able to consider this application. Details of the conflicting statements along with our comments are set out in the following table:

Agricultural Needs Statement	Odour Management Assessment	Comment
Reference to the land being 1 acre in size		This is the total area of land including the engineering site. The size of the proposed agricultural element is less than half an acre
References 2 breeding sows and 2 gilts	References 8 breeding sows	What is the correct number – 4 or 8?
References 40 piglets at any one time	References the building will accommodate up to 80 piglets	What is the proposed number of piglets at any one time – 40 or 80? The higher number will impact on

		noise, odour and the traffic in moving the waste.
References the intention to build the hen house and house up to 300 hens	References the need to keep the numbers of hens to no more than 100 should the hen house be built	What is the correct number of hens permitted, and is this enforceable if numbers increase?
This report references the farrowing unit not being ideal for welfare and the need for a purpose-built building.	This references the site currently containing a number of sheds and a farrowing pen	Should this application be approved: <ul style="list-style-type: none"> <li>• Which of the sheds will be demolished and is this enforceable?</li> <li>• Is the mobile container (mobile farrowing unit) being removed as this is still shown on the plans?</li> </ul>
	The second plan shows three outdoor sow holding areas (2 to the north and 1 to the south). The third plan indicates only one to the north	Clarification is sought as to the usage as the most northern sow holding area.  What will this space be used for?  Should planning permission be granted, can we be certain that if pigs are moved onto this section, the conditions of the planning consent will ensure that they must be removed swiftly, i.e., that we are not faced with a protracted case of enforcement, completing nuisance diaries that show the odour impact

## 10. Final Comments:

The application site is located within the Green Belt, as identified by the Blackburn with Darwen Site Allocations Map (Adopted December 2015). If this application is considered holistically, alongside the planning consents already granted (for which work has not yet commenced) it is our view that the proposal fails to preserve the openness of the Green Belt, by virtue of its scale and setting; contrary to the National Planning Policy Framework and Blackburn with Darwen Borough Local Plan Part 2 (Adopted December 2015). As outlined in response to the last planning application, similar applications have been refused for the same reasons 10/17/0007, 10/16/0791, 10/16/0895).

We also believe that the proposed agricultural building is an inappropriate development within the Green Belt, due to the lack of evidence of a viable farming business. This is contrary to the requirements of the National Planning Policy Framework and Policy of the Blackburn and Darwen Local Plan Part 2. When considering the size of the engineering unit, the permitted containers (following approval of the LDC), the permitted hen house, the proposed

agricultural building, the existing sheds and the additional container (mobile farrowing unit), the scale of the buildings will cover a substantial amount of the one-acre piece of Green Belt.

Our residential amenity of our house and garden have been severely compromised over the last 18 months due to the pig 'enterprise' at Silk Hall Farm. The stench has been unbearable at times, and despite the odour management plan, some of which we can see has already been put in place, we are still left in the position that we cannot open windows or enjoy our garden.

We have no desire to appear to be obstructive towards Mr and Mrs Navesey, however we do not believe that the Odour Management Plan will mitigate the impact of the stench and noise from the pigs which are having a detrimental impact on our daily lives. We strongly believe that pigs and hens kept in these numbers should not be permitted within a residential area due to the impacts of noise, odour and the potential to cause issues with rodents.

We trust you will consider the concerns we have raised.

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Objection – Mrs B E Crook, Silk Hall Cottage, Silk Hall, Tockholes, Darwen. Received – 07/07/2021

I wish to object to the planning application no. 13/07/2021 at Silk Hall Farm.

This is the third time this application with minor changes has been submitted. The said application was turned down previously on several counts, one of which, was there was no agricultural need. As far as this point is concerned, nothing has changed.

Mr Mark Navesey's occupation is an engineer. He is NOT a farmer. Silk Hall Farm is a terraced house in a row of residential properties. The term 'farm' is historic, therefore not a farm.

The application states that Mr Navesey owns a one acre site. However, half the site houses the engineering works, which presents a local eyesore, so the remaining meadow on which the pigs and chickens are housed, is only half an acre.

Mr Navesey's other enterprises, i.e. Engineering, selling of eggs, cakes, drinks etc. already severely impact on the amenity of Silk Hall. Several residents have been in close contact with Environmental Health over the last two years regarding issues such as odour, noise, traffic etc. Indeed, John Wood, informed another resident, that he is in possession of over thirty pages of complaints. The site in question, is just a few yards from residential homes, which will be further impacted, should this application be passed. The odour management report contains many inaccuracies, the first being, that there is no public right of way. Indeed there is a public right of way abutting the property, and a school in close proximity to the proposed building. Inaccuracy two - that the building cannot be seen. However, Mr Navesey's site can be seen from Silk Hall, Long Lane, Rock Lane, the Chapel's area of Tockholes, and Tockholes Road itself. Tockholes is in the green belt and attracts large numbers of visitors who enjoy the rural aspect, which would be ruined by yet another industrial building.

Inaccuracy three - 'The sows will be kept outdoors under pig arks within one of two fields.' Mr Navesey owns NO fields and the area mentioned is actually 2 small pig pens within the half an acre site. Inaccuracy four - the odour management report tested odour readings up to 2019. At this point in time the Navesey's kept less pigs, and for some residents the readings were hovering on moderate. Since then, the numbers have increased and so has the stench.

There is an ad-hoc arrangement with a local farmer to remove slurry from the pigs and chickens. This is driven up Silk Hall, six feet from my front door, with the attendant odour and inconvenience.

I know of no other pig farm, as indeed, this is what it is, that have been sited in such close proximity to residential dwellings in Lancashire. Blackburn with Darwen Council commented after the last



application, that the cost involved to build the barn, and the revenue received made no economic sense.

I feel that this application should it be passed, would be extremely detrimental to Silk Hall and the surrounding area, in particular and indeed, the whole of Tockholes in general.

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Objection – Mrs B Crook. Received – 21/09/2021

I wish to add further comment to my previous objections. The mobile farrowing unit as discussed is a brown container, which enforcement informed Mrs Whittam was not allowed the number of containers on the engineering site which takes up half of the acre site contains several containers presenting a local eyesore for residents, also the new siting of the container is less than 30 yards from Mr and Mrs Burrows front door, should this enterprise be allowed to expand it will cause noise, stench, and inconvenience to all residents of Silk Hall. The disposal of effluent is haphazard at best and Lorry loads of pig slurry and chicken muck passes within eight feet of my own front door. The parish council made comment that they did not know of any other pig farm in Lancashire that was allowed to operate in such close proximity to residential dwellings. Should this application be passed it will destroy the amenity of Silk Hall which is a narrow lane with a listed building at the bottom. Finally because the site is on a hill the run off into the field below may cause severe problems for the primary school beneath. I wish any previous comments on this application to stand.

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Objection – Miss J Crook & Mr P Dalton, Hillcrest, Old School Lane, Tockholes, Darwen. Received – 07/07/2021

We would like to strongly object to the planned construction , application no. 13/07/2021 Silk Hall Farm. You will find below the many and varied reasons, why this development will have a profoundly negative effect on our local environment.

Firstly, you will be aware that Tockholes is made up of assorted dwellings, predominantly residential. There are a small number of farms that tend the open land within the village, but Silk Hall Farm is NOT one of these, nor is it a farm. The titular reference is only of historic significance as this 'farm' is a mere one acre, half of which is given over to engineering. This, I perceive, is the primary purpose at this address, and presumably the primary source of income. The remaining half an acre would not support the breeding of pigs on this scale. Further to this, the proposed building would easily be visible from numerous vantage points on the surrounding road network. This would have a distinctly detrimental effect on the visual appeal that Tockholes currently enjoys. Disposal of waste products from the pigs would cause significant detriment to the small access road, that is currently struggling to cope with the wear and tear of its current usage. Pigs farms in Lancashire have become something of a rarity, and those that have survived are to be found away from residential properties. I am minded of a recent news article ( Lancashire Post 1/2/2020) relating to a housing proposal in close proximity to an established pig farm in Longridge. Barbara Davies, the farmer fought the plans fearing complaints from future neighbours over both the smell and noise. The report was of her delight that Preston Council refused the planning application on those grounds.

In conclusion we have struggled to rationalise the continued addition of buildings on this small piece of land, to which this proposal would add another building. These constructs are wholly incongruous with their rural setting and the general ambience of the village itself. When such developments are given ascent, that put the desires of one person repeatedly over the greater good of the community, one could be forgiven for wondering whether

someone within the council is 'oiling' the wheels of decision making. We are very aware of many strong objections to this proposal from within the community and would wish to register our dissatisfaction that these proposals are being given oxygen.

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Objection – Miss J Crook & Mr P Dalton, Hillcrest, Old School Lane, Tockholes, Darwen. Received – 22/09/2021

We would like to continue to strongly object to the planned construction, application no. 13/07/2021. We wish our previous comments to stand from the objection letter sent to you on 7/7/2021.

Addressing the revised plans- firstly there are no significant changes in plans, i.e. the size of the building, waste disposal, etc. Secondly, the mobile farrowing unit, is a container which enforcement previously stated was not permitted, as no more containers were allowed on the already crowded site. As the planning application is ongoing, the applicant has been permitted to keep it on a TEMPORARY basis. However, this said TEMPORARY container has now appeared on the revised plans, so not TEMPORARY!

The mobile farrowing unit, on the revised plans is sited approximately 30 yards from Rose Cottage. Pigs so close to a residential dwelling, and very close to the community of Silk Hall is surely ill advised. We reiterate again that this many pigs, and all the negative issues that ensue from them does not exist anywhere in Lancashire. Silk Hall Farm as stated before is NOT a farm.

This is now the third time that this planning application has been submitted. We are very disappointed that the council continue to give oxygen to this proposal, despite the wealth of objection from many residents of the village, including the village council. We would like to register our continued dissatisfaction about this matter and would encourage the powers that be to consider whether they would like to live so close to this site and all its many serious issues.

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Objection – Elaine & Derek Burrow, Rose Cottage, Silk Hall, Tockhalls, Darwen. Received – 12/07/2021

Dear Sir,

We are writing in connection with the Proposed Application for the erection of an agricultural livestock building at Silk Hall, Tockholes, Planning Application 10/21/0599.

Please take the following concerns we have, when discussing the application, into consideration.

- We are concerned about the increased odours which are likely to arise should the application be granted. The new plans would move the site nearer to our house which is already badly affected in warm weather particularly.
- The removal of waste would have to go up and down the private road of Silk Hall past six residential homes.

- In addition to the odours, we are concerned about the noise and attraction of insects and vermin. The site is not a farm; it is an industrial unit for engineering. Public health is a concern.

- The proposed building of a 5.6 metre tower at the side of our cottage is very worrying. Our spoilt view is no doubt irrelevant to any decision made but surely the villagers of Tockholes should be worried about industrial additions on green belt land. Please note the erroneous answer to point 22 on the Planning Application Form :-

• 22 Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

The given answer was ☒ No.

I believe the answer to all four areas is ☒ Yes.

Please take these concerns into account when judging the planning application. There is so much at stake for the residents of Tockholes.

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Objection – Elaine & Derek Burrow, Rose Cottage, Silk Hall, Tockholes, Darwen. Received – 23/09/2021

We write in connection with planning permission application number

10/21/0599 .

Our main objection is to the size and proximity of the proposed agricultural livestock building .

Our residence was not purchased to be so close to a building which would restrict views from kitchen and bedroom window in addition to suffering added smells caused by the resulting livestock .

Silk Hall Farm is actually classed as an engineering site not a farm .

A large building of the proposed size would be detrimental to the village of Tockholes as a whole , from all angles .

Please take our concerns into account .

Thank you .

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Objection – John Jacklin, Gorse Barn, Rock Lane, Tockholes, Darwen. Received – 12/07/2021

I refer to the above planning application and wish to register my objection.

- 1) The site is essentially an engineering works sited in what has become a mainly residential area. It is not a farm.
  - 2) The building is too large for its surroundings and is a sky line development.
  - 3) It is being built too near existing residences
  - 4) The access will not lend itself to increased traffic. Walls have already been knocked down.
  - 5) Animal noise would be increased and detrimental to local residents.
  - 6) It overlooks the local primary school and its playing field.
  - 7) Flooding can take place locally and there is a danger that effluent will overflow into field drains that run into the school playing field. Such flooding has been an issue in the past and could recur in the future especially with the greater propensity to heavy rainfalls due to climate change. I am aware of this as I live next to the school and have been involved in helping to alleviate the issue over many years. The field drains into a stream through my garden hence my interest and knowledge.
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