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City of York Council  
Planning Services  
Via Planning Portal



02 March 2023

Dear Sir or Madam

## Proposed Industrial Building at Green Brothers, Willow Grove, Sandy Lane, Murton, York YO19 5XE

1. This is an application for planning permission to develop a new industrial building at an established fallen livestock collection facility. The application is made of behalf of the business owner-operator, Robinson Mitchell Limited.

### Application documents

2. This document is the Applicant's Planning Statement. It provides, information about the proposal and the main issues of relevance to the City of York Council's consideration of the application. Documents submitted for consideration by the Council are listed in Annex A

### Overview

3. Robinson Mitchell Limited (RML) is a specialist business involved in the collection of fallen livestock. The business works throughout the north of England and Scotland providing a prompt service to the agricultural sector, and other industries and establishments handling livestock.
4. Fallen stock is collected and brought to the Green Brothers site at Willow Grove (the application site) and transferred into bulk trailers for transportation to specialist rendering plants where it is processed into meals and oils with wide-ranging applications in industry.
5. Existing buildings at the application site are ageing and have restricted vertical working height so are not well-suited to efficient handling of the fallen stock material. RML proposes to construct a new building to receive incoming fallen stock lorries and transfer their loads into bulk trailers. The new building will enable transfer to take place under cover using safe modern methods.

## Site details

- The application site is located about 3 miles to the east of York, and 0.75 mile north of Murton, accessed from Sandy Lane. The setting is semi-rural. Local topography is generally flat with established road and field boundaries defined by mature trees and hedges. Neighbouring land is used for agriculture, grazing and equestrian activities, with small-scale business and industrial use commonplace in repurposed agricultural buildings.

Figure 1 – Location Plan, Green Brothers site, Willow Grove, York, YO19 5XE



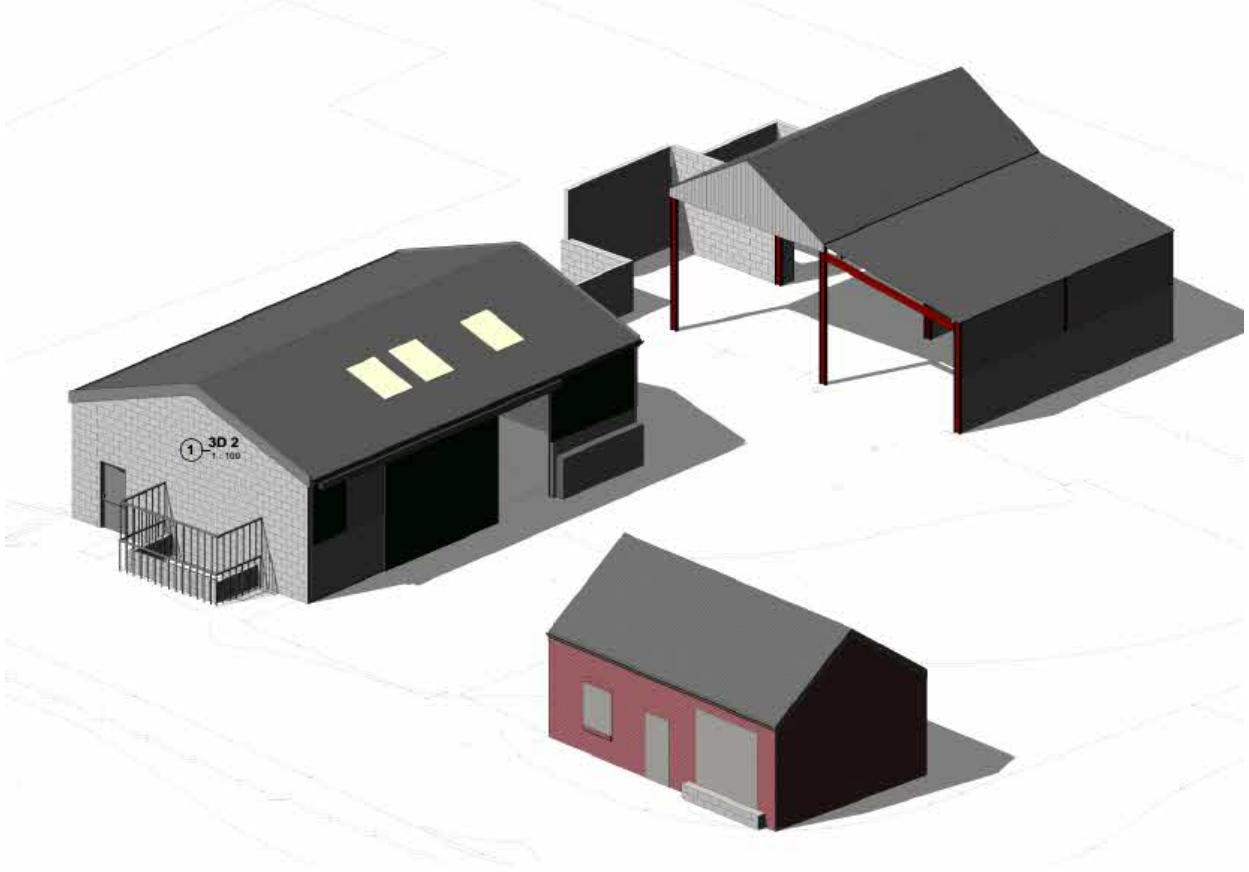
- The norther half of the site contains several buildings, including the brick property fronting Sandy Lane previously used as an abattoir and lairage.

Figure 2 – Buildings at Green Brothers site, fronting Sandy Lane



8. Additional buildings sit a little deeper in the site so and are not so readily visible as the abattoir when passing along Sandy Lane. The main group is composed of storage and maintenance buildings on the east side of the site, shown in Figure 3, with roadways, weighbridge and hardstanding for manoeuvring and parking of vehicles and equipment.

Figure 3 – Storage and maintenance buildings at the Green Brothers site



9. The southern half of the site is undeveloped, separated from the developed northern part by vegetation and dilapidated former agricultural buildings likely to have been used for livestock raising in the past, but not recently used.

## The proposed development

10. The applicant business RML is a Leo Group business. The group owns and operates rendering plants in the north of England and Scotland. Green Brothers is part of a network of fallen stock collection sites that facilitate the rapid collection and processing of animal by product material (ABP).
11. It is proposed to construct a small industrial building, 600 sqm, within the central cluster of buildings designed for the receipt and handling of incoming fallen stock. The single storey building would have a footprint of 30m x 20m, necessary to accommodate the depth of a

bulk transportation trailers, typically 14 to 16 meters in length, with an eaves height of 6 metres to allow trailers to be loaded inside the building by conveyor or with a telehandler.

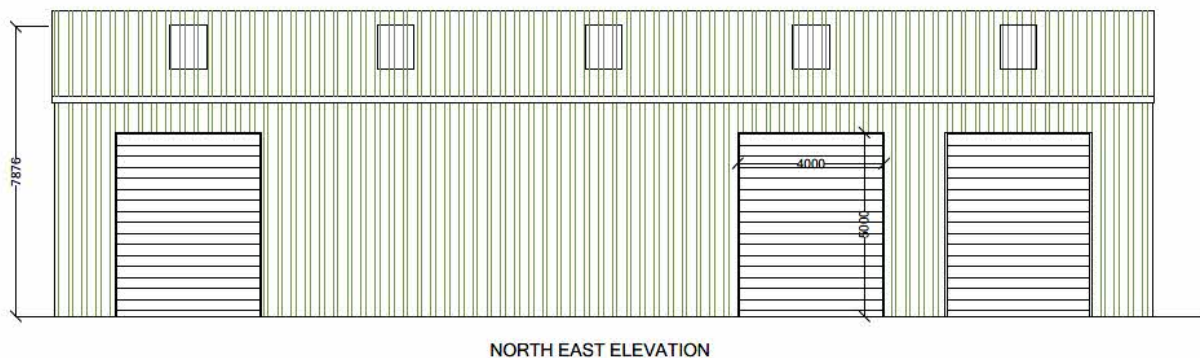
12. Figure 4 shows the location of the proposed building, identified by a yellow rectangle.

Figure 4 – Proposed building location shown edged yellow



13. The building would be a plain and functional steel frame structure covered with green cladding panels, chosen as a recessive colour for the semi-rural setting. It would have three vehicle doors each 4m wide x 5m high to allow two receiving bulk trailers to be parked inside, with the third door for smaller incoming vehicles and general access.

Figure 5 – Proposed building principal elevation



14. No new hard standing would be needed. The building would face onto, and be accessible from, existing circulation areas.

## Planning history

15. There is no recent recorded planning history for the Green Brothers site. Limited information available refers to proposals for a coldstore and other additions likely to date to the in the late 1980s, application references 3/88/18/PA and 3/88/18A/PA.

## Planning policy

16. The City Council uses the unadopted City of York Draft Local Plan Incorporating the 4<sup>th</sup> Set of Changes (April 2005) as a tool to guide the assessment of proposed development and for making development management decisions ('the local Plan').
17. The Local Plan proposals map places the Green Brothers site and all neighbouring land in the Green Belt, the extent of which first defined in the 1950's. Policy SP2: The York Green Belt records that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City. A general presumption exists against unnecessary or inappropriate development.
18. References in the policy supporting text to defunct central government advice for Green Belt in PPG2 are superseded by the National Planning Policy Framework last updated in July 2021 (the NPPF) so must be interpreted accordingly.
19. Policy SP6: Location Strategy, notes that outside defined settlements limits, planning permission will only be given for development appropriate to the Green Belt or the open countryside.
20. Policy GP1: Design, is a multifaceted policy guiding development promotes to consider local context and development to create appropriate additions to the built environment.
21. Policy GB1: Development in the Green Belt, states that planning permission will only be granted for development that would not detract from the open character of Green belt, conflict with the purposes if including land within the Green Belt, or prejudice the setting and special character of the City of York. With some listed exceptions, the policy regards development within the Green belt as inappropriate, unless very special circumstances exist to justify the general presumption against inappropriate development.

## Other material considerations

National Planning Policy Framework, July 2021

22. The NPPF sets out the Government's planning policies for England and how these should be applied. The document is a material consideration in planning decisions [para.2].

23. The NPPF explains that the planning system should provide a mechanism to achieve sustainable development – meeting the needs of the present without compromising the ability of future generations to meet their own needs [para 7]. It documents three overarching objectives - the economic, social and environmental dimensions of development - which need to be pursued in a way that secures net gains from development across all three objectives [para.8].
24. The NPPF contains a presumption in favour of sustainable development. For decisions on planning applications that means approving development that accords with an up-to-date development plan without delay. Where there are no relevant development plan policies, or when key relevant policies are out of date, permission should be granted unless there would be conflict with the need to protect areas or assets of particular importance, or if the adverse impact of allowing development to proceed would significantly and demonstrably outweigh the benefits, having regard to the NPPF as a whole [para.11].
25. The NPPF attaches great importance to the Green Belt, stating that the ‘fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open’ [para 137].
26. Paragraph 149 of the NPPF directs that the construction of new buildings in Green Belt should be considered as inappropriate, but then goes on to record specified exceptions to that limitation which include:
- extension or alteration of a building providing the resulting additions are not disproportionate;
  - limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continued use, so long as it would not have a greater impact on the openness of the Green Belt than the existing development.
27. Where development is inappropriate it should only be permitted in very special circumstances. The NPPF states that such circumstances will not exist ‘...unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’ [para.148].
28. An assessment can therefore be necessary to establish whether there are material considerations that weigh in favour of the development which, when taken together, clearly outweigh the harm caused by an inappropriate development.
29. Also relevant to this application, the NPPF contains policies relating to the economy in Chapter 6, Building a strong, competitive economy:

‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’ [para.81]

30. The NPPF also expresses the need for support for the rural economy, noting that planning policies and decisions should “...enable the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings” [para 84].

## Planning appraisal

### Policy compliance

31. The type of development proposed is contemplated by paragraph 149 of the NPPF; a proportionate extension of an established group of rural industrial buildings to be provided within the confines of an established operational industrial site in the Green Belt.
32. Visually and functionally, the proposed building would form an integral part of this established cluster of industrial buildings occupied by the Applicant’s business. The siting choice seeks to ensure that the new structure would minimise harm to the openness of the Green Belt, being grouped together with existing buildings.
33. Should the Local Planning Authority not agree that there is clear support for the development in NPPF paragraph 149 then there are very special circumstances to indicate that planning permission should be granted on this occasion as an exception to the general presumption against the development of new buildings in the Green Belt. The very special circumstances are outlined later in this Statement.

## Other material considerations

### Drainage

34. The proposed building would be served by existing drainage infrastructure on the site. No new off-site connections would be necessary. Clean roofwater would be directed to soakaway and effluent arising from washing down of the proposed fallen stock handling shed would be collected and tankered away for treatment.

### Transport

35. The proposed development would not create any increase in vehicular movements to and from the site. The proposed shed is intended to enable better working practices and improved working conditions by providing adequate space and vertical height to allow for fallen stock material to be handled with modern machinery indoors.

36. The development does not displace any existing parking or manoeuvring space and would be served from existing site roadways and hardstanding.

#### Trees and hedgerows

37. Like other buildings in the central part of the site, the proposed development has the benefit of being shielded by a mature area of trees and hedges and can be accommodated without any impact on this existing natural infrastructure, so the established vegetation screen would be preserved for the long term.

### Green belt harm

#### Potential harm to the Green Belt by reason of inappropriateness

38. The essential characteristics of Green Belt land are openness and permanence. Designated land should serve the five purposes detailed in paragraph 138 of the NPPF so harm to the Green Belt must consider if and how the development proposed by the RML would undermine these characteristics and purposes.
39. To check the unrestricted sprawl of large built up areas: The proposed building would be sited within an operational commercial site, extending an existing complex of industrial buildings used for handling fallen livestock and animal by products. The Applicant's established industrial and former abattoir buildings are located to the immediate north and east. The proposal would not extend development onto the visually separate undeveloped part of the applicant's ownership lying to the south.
40. The existing Green Brothers buildings and neighbouring development is viewed as part of an established developed frontages that punctuate the otherwise green edges of Sandy Lane. The proposed industrial building would not extend the existing developed area of the site, but instead is clustered together with existing development. It would not therefore create or contribute to unrestricted sprawl of large built-up areas in any way.
41. To prevent neighbouring towns merging into one another: The proposed development would be clustered tightly with existing industrial building and activities on the Green Brothers site. The proposed development would not extend the footprint of these existing developed features, and would not result in the merging of neighbouring towns – all settlements including the City of York being a significant distance physically and visually from the proposed development site.
42. To assist in safeguarding the countryside from encroachment: The proposed development site is part of an established fallen livestock collection operation, fronting a road. Surrounding land includes other dispersed semi-rural development for farming, equestrian



and business activities set in an otherwise predominantly flat, undeveloped landscape, with mature trees and hedgerows providing cover and occasional filtered views of built development. The application site itself is developed land forming part of the Green Brothers complex. The proposed new building would not extend the existing developed footprint or encroach out into the countryside, or any other open land. No harm arises to this purpose of Green Belt.

43. To preserve the setting and special character of historic towns: The proposal is remote from the historic centre of York. It does not impact in any way on recognised heritage assets, the setting or sightline of historic towns. It would not result in any harm to this Green Belt purpose.
44. To assist in urban regeneration, by encouraging the recycling of derelict land and other urban land: The development makes use of existing land within a small rural industrial complex, clustering the proposed building with established industrial buildings and yard occupied by the Applicant business. It has no direct or indirect implications for urban regeneration. It causes no harm to this Green Belt purpose.
45. Impact on permanence and openness of the Green Belt: The proposed development does not rely upon any alteration to its Green Belt policy status. Green Belt status and related planning policy considerations would continue to apply to the site whether or not planning permission is granted, so there is no conflict with the principle of Green Belt permanence.
46. Openness is widely recognised as being measured by an absence of built development, rather than visual openness. The proposal would add a new building to the Green Belt so some technical harm to openness must inevitably arise. The extent of that harm is very limited because of the relatively small size of the building and its careful siting. The building would form part of a cluster of existing industrial buildings which are of similar scale, appearance and function.
47. The proposed development would be viewed as part of an established, tight industrial grouping. It would not extend or expand the visible extent of urban development in this part of the Green Belt. The potential for Green Belt harm is mitigated by the presence of an established mature landscape setting which would be retained to provide a strong visual screen of the proposed building.
48. It is concluded that the proposed development causes very limited harm, but only to the characteristic of Green Belt openness. The harm is limited by the small scale of the development and siting of the proposed structure within an established group of industrial buildings. The development would not give rise to any harm to the five main purposes of Green Belt.

### Any other harm attributable to the proposal

49. The NPPF requires ‘any other harm’ to be considered as part of the planning balance when assessing if very special circumstances exist to justify allowing inappropriate Green Belt development to proceed. Harm arising from any factors that are material to the planning assessment of the proposed development can be relevant.
50. With the exception of Green Belt policy considerations, no planning policy conflict or any other material planning harm attributable to the proposed development has been identified.

### The planning balance and very special circumstances

51. The City Council must assess harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal and weigh that against other considerations that favour allowing the development. That assessment of the planning balance determines if considerations that favour the proposal clearly outweigh any identified harm, such that very special circumstances are shown to exist, allowing the development to be approved.
52. The preceding sections of this Statement have identified that the harm to Green Belt by reasons of the development’s inappropriateness is minor, confined to its modest impact on openness, and that there is no other identifiable harm attributable to the proposal. These conclusions as to limited harm must be weighed against factors that favour the proposal. In this case those favouring factors are derived from the specialist nature of the Applicant’s business and the physical and functional relationship between the existing facilities at the site and the development that is proposed to serve the needs of the established business.
53. The proposed development is an operationally essential facility for the applicant business, providing an established base for the collection and bulk transfer of fallen livestock, and an operating base for the fleet of collection vehicles, together with weighbridge and other supporting facilities.
54. The prompt collection of fallen livestock from farms and other establishments is an essential service to rural industry. It ensures that potentially diseased animals are removed and transported in carefully controlled conditions to support biosecurity of the host farms.
55. The fallen stock collection centre at Green Brothers ensures that incoming material is immediately sorted and sent on to specialist rendering facilities operated by RML’s parent company where it is treated with heat and pressure to halt any disease risk and further processed to create value-added meals and oils that are used in the power and aviation industries as a high-calorie fuel source and a key ingredient of bio-fuels for aviation.

56. A rural / semi-rural location is normal for the receipt and handling of ABP where the core client group is the agricultural and equine industries and the nature of the material being handled can give rise to odour which would be more problematic if placed in a more urban setting. The proposed building is necessary to provide better, more efficient material handling facilities which will aid the rapid sorting and transfer of ABP into bulk trailers and removal from the site for final processing (rendering).
57. In addition to these user-specific considerations for the Green Brothers site the NPPF provides support for the proposal in the overall planning balance through paragraph 81, which requires significant weight to be placed on supporting economic growth and productivity, taking account of both local business needs and wider opportunities for development. The NPPF expects planning decisions to create conditions in which business can invest, expand and adapt and those are precisely the conditions in which the Applicant presents this proposed development.
58. Taken together, these factors that support the case for allowing the development are considered to clearly outweigh the very limited identified harm to the Green Belt, so very special circumstances are considered to exist, allowing the development to be approved.

## Conclusion

59. RML is a specialist service provider, collecting fallen livestock from the agricultural, equine, and other livestock-related industries throughout the north of England and Scotland. A new building is necessary at the established Green Brothers collection site to provide more practical space with improved functionality for receipt and transfer of incoming material, enabling it to be handled and despatched to rendering plants for final processing more efficiently.
60. The existing collection site where the new building is proposed is in the York Green Belt, as are all existing Green Brothers buildings and surrounding land. With some limited exceptions, the development of new buildings in the Green Belt is inappropriate so this Statement has considered how the development measures up to Green Belt policy and considered the existence of very special circumstances in the overall planning balance that must exist if the Council is to grant planning permission.
61. The type of development proposed is contemplated by paragraph 149 of the NPPF. It would be a modest and proportionate extension to an established group of rural industrial buildings accommodated within the confines of the existing operational site. Visually and functionally, the proposed building has been sited to ensure it integrates with the established cluster of the Applicant's industrial buildings, minimising any harm to the Green Belt openness.

62. This approach is intended to ensure that the development is compliant with policy GB1 of the local plan, and more recent advice in the NPPF which seek facilitate necessary Green Belt and rural development.

63. Should the City Council have any reservations about compliance with GB1 and NPPF para 149, this Statement has also considered the question of very special circumstances, concluding that there would be no harm caused to the purposes of Green Belt and very limited harm to openness. The considerations in favour of the development, supporting the needs of an established local business to continue providing its specialist services to the agriculture and other livestock industries, are considered to clearly outweigh the limited harm identified, such that very special circumstances exist for allowing the development to go ahead.

64. I hope that this submission provides an appropriate level of detail to enable the planning application to be considered favourably, but if any further information is required, I would be pleased to provide it on the Applicant's behalf.

Yours faithfully



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Partner



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# Annex A

## Planning application documents

### Forms and notices

Application form	Full planning permission
Notice No.1	Robinson Mitchell Ltd is applicant and owner

### Application fee

Full application for a new commercial building 600 sq.m gross external	£3696.00 (excluding Planning Portal service charge)

### Plans and drawings

Drawing number	Drawing title
3062 01.B	Proposed plan and elevations
3062 02	Existing site layout
3062 03	Proposed site layout
3062 04	Location plan

### Reports and Statements

Document title and reference	Author
Design and Access Statement March 2023 (398.01-DAS)	MAZE Planning Solutions
Flood Risk Assessment March 2023 (398.01-FRA)	MAZE Planning Solutions
Planning Statement March 2023 (398.01-PS)	MAZE Planning Solutions