

DELEGATED REPORT

Report by Helen Pressley	Date of report: 16/02/2023	Ref: 69070/FUL
Registration: 01/12/2022	LDFC: 15/02/2023	Expiry Date: 01/02/2023
Site Visit: 15/12/2022	Site Notice: 25/01/2023	Press Date: 19/01/2023
Objections: 0	Con Area:	Adv Type: ARW
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of an agricultural building

Location: Kays Cottage, Sheep Hey, 2 Leaches Road, Shuttleworth, Ramsbottom, Bury, BL0 0ND

Description

The application relates to a farm complex located off Leaches Road. The site is made up of a dwelling house, farm yard, stables, a sheet clad building, greenhouse and a newly acquired area of land that is subject to the planning permission. The applicant controls an additional area of land to the north of the site, and an additional area of land to the south of the site that is used as a camp site known as "The Paddocks."

Planning permission is sought for the construction of a detached agricultural building. The proposed building would be 5.1 metres by 13.87 metres with a maximum height of 3.8 metres. The proposed building would have an open elevation facing towards the existing farmyard with vertical timber boarding to the other three sides. The roof would be finished in dark green cladding. The proposed site plan shows removal of the existing sheet clad building and green house.

Relevant Planning History

33597 - Refurbishment and extension of derelict cottage - Approve with Conditions 06/11/1997

Publicity

Neighbour letters sent 01/12/2022 and 05/12/2022

Site Notice 25/01/2023

Press Notice 19/01/2023

Comment received in relation to:

- The applicants address is not Sheep Hey Farm, they have used that, as they did with their recent camp site planning application to try to portray themselves as farmers. They were made to correct that application. The correct address is Kays Cottage, 2 Sheep Hey, Leaches Road, Shuttleworth.
- The application is for an agricultural building in Green Belt, the applicants are not farmers, they have not had any chickens for many years and have only ever had a handful of sheep in the more than 20 years they have lived there. They have no agricultural machinery other than a quad and a ride on lawnmower that are used to service the camp site. Their main businesses are
- The Paddock camp site (that land is no longer designated as agricultural as the previous planning permission changed that, the southern field shown on their application). The site is not only used in the summers as claimed. This year it was used from March to November. There have been no sheep on there other than for a couple of weeks to "mow" the grass and the bulk of the site if fenced off from livestock as all of

- the glamping units, the toilets and the shop all remain on site all year round.
- A livery business running from the stables on the opposite side of the yard from the proposed building. We understand they are looking to expand that so this building may be to free up stables currently used for storage for the camp site. I understand that livery is not deemed to be agriculture.
 - A firewood business, they cut up trees and split the logs in that yard. This appears to be booming in the cost of living crisis and they also sell the logs and hire brasiers on the camp site. The temporary garage currently in front of the new building proposed position is currently used for that. We suspect that temporary building is no longer big enough and that this new one is to allow them to expand this business which, again, is not agriculture.
 - No. 3 Sheep Hey will be looking at the gable end of this large building so it will impact on the openness of the Green Belt for them.
 - Would also note there have been no hard copy notices posted as was the case when the camp site planning application was being considered.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - no objections raised. Asbestos survey required prior to demolition of any structures on site. To be added as an informative.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/4	Wildlife Links and Corridors
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN9/1	Special Landscape Areas

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (Green Belt)

Paragraphs 147 and 1448 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC 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.

Paragraph 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (e) limited infilling in villages;
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate

development, unless it is for one of more of the following purposes: agriculture and forestry essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it; limited extension, alteration or replacement of existing dwellings, provided that this would not result in a disproportionate additions over and above the size of the original dwelling, or, in the case of replacement existing dwellings, the new dwelling is not materially larger than the one it replaces; limited infilling in existing villages.

Policy OL5/2 limits new buildings or the change of use of buildings within the River Valleys however where the area is designated as Green Belt the established Green Belt policies will apply. As such the proposal will be assessed against the relevant Green Belt policies already set out above.

The use of the proposed building is for agricultural purposes. It is important to note that the NPPF does not set specific limits for the scale of such a building and as such the proposal would fall under one of the exceptions listed above. As confirmed by appeal decision APP/T4210/W/18/3202305 the effects of an agricultural buildings on the openness of the Green Belt are not relevant in considering whether they are inappropriate. Whilst not a requirement of the NPPF the applicant has also provided details of nature of the agricultural use of the land by means of records for sheep and bills in association with an agricultural use. Therefore, for the purposes of the NPPF and the UDP the proposed building is not inappropriate development within the Green Belt.

As there is no requirement within the NPPF to provide proof that the building will be used solely in relation to agriculture, a condition will be added to any approval limiting the building to uses associated with agriculture, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended).

Layout and Design

OL4/5 - Agricultural Development - Seeks to ensure that new buildings would be sympathetic to their surroundings and blend satisfactorily with the wider area in terms of their design and, height and materials.

EN9/1 - Special landscape Areas - Development will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping would be expected and unduly obtrusive development will not be permitted in such areas.

EN1/1 - Visual Amenity - Development should not be permitted where proposals would have a detrimental effect on the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Area or the river valleys.

SPD8 - New Buildings and Associated Development in the Green Belt provides additional advice and guidance, particularly with reference to siting, design, scale and form of a development.

In terms of siting, the proposed building would be sited to the north of a row of residential dwellings and access track and to the west of the existing yard, stables and buildings within the grounds of Kays Cottage. The proposed building would run north to south along the existing boundary between the yard and the new acquired field area. It is proposed to remove existing buildings within the yard to allow access to the proposed agricultural building with the open fronted elevation facing towards the yard area. The other elevations would be constructed from cladding, with vertical timber boarding above 1.2 metres high and dark green box sheeting roofing. The proposed building would reach a maximum height of 3.8 metres.

It is considered that the design of the proposed building is acceptable, and is appropriate

for a building associated with agriculture. The proposed building is single storey in nature similar to the existing stables and buildings within the existing farm yard and would be viewed in connection with this existing cluster of buildings. It is therefore considered that the proposed agricultural building would not have a significant impact on the visual amenity of the location.

As such, it is considered that by virtue of the scale, size and massing, together with the materials proposed for the building, the proposed development would be of a type typical for an agricultural unit found in a rural farming location and would not have a significantly detrimental impact on the character of the Green Belt or Special Landscape Area.

The development is therefore considered to be acceptable and would comply with EN1/1, EN9/1, OL4/5, SPD 8 and the principles of the NPPF.

Residential Amenity

EN1/2 and requires consideration of various factors relating to built design, including the relationship of the proposal to the surrounding area and impact on residential amenity. There are no adopted aspect standards for relationships between residential and non-residential new builds, however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The proposed building would not be set directly to the rear of the principal elevations of the dwellings from No.3 - 6 Leaches Road but would instead be off set, sat against the existing field boundary. The proposed building would be located to the rear of the car port associated with No. 3 but this is a non-habitable space. Even so, if measurements are taken at an angle the proposed building would be located approximately 19.6 metres from the original rear elevation of No. 3 which would exceed the 6.5 metres required by SPD 6 for single storey elevations.

Openings within the proposed building would either face towards land under the control of the applicant, or would relate to rooflights. Due to the nature of rooflights no overlooking is foreseen.

Response to Comment

The address for the site has been checked with the land use gazetteer and has been amended in line with this. In any event, a red edge site location has been submitted that clearly identifies the piece of land to be assessed as part of the planning application.

The use, green belt considerations and impact on residential amenity have been assessed within the main body of the report.

Site notices were posted on the 25/01/2023.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to the drawings received on 11th November 2022 and Site Location Plan received 19/01/2023 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The drainage for the development hereby approved must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). The drainage scheme shall be implemented prior to first occupation and thereafter maintained.
Reason. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
- 4 The occupation of the proposed building shall be limited to uses associated with agriculture, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended).
Reason. To ensure that future inappropriate development in the Green Belt does not occur pursuant to policy OL1/2 -New Buildings in the Green Belt of the Bury Unitary Development Plan and Chapter 13 - . Protecting Green Belt land of the National Planning Policy Framework

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Helen Pressley	16/02/2023		