

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 30/07/2024	Ref: 70906/AG
Registration: 04/07/2024	LDFC:	Expiry Date: 01/08/2024
Site Visit: 19/07/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed agricultural building

Location: Scotson Fold Farm, Scotson Fold, Radcliffe, Manchester, M26 3SQ

Description

The application relates to a site which is located in the Green Belt, Landscape Character Area and River Valley.

The site comprises land at Scotson Fold Farm and the application states that the proposed development is for an agricultural building for the farm which is an agricultural unit of 6.7 hectares.

The proposed building would be located close to the residential dwellings and cattery business which are associated with the farm and would be sited next to a field boundary and next to the area of hardstanding where cars park.

The proposed building would replace 3 single storey metal containers which have become dilapidated and rusted over the years and are no longer fit for purpose.
The proposed agricultural building would be used for the storing of produce and machinery.

The building would be 16m long and 10m wide with a ridge height of 5.2m. It would be built of vertically ribbed metal wall cladding in light grey.

The application has been submitted for Prior Approval under Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant Planning History

44607 - Demolition of existing dwellings & erection of 2 semi-detached cottages - Approve with Conditions 12/09/2005

47781 - Use of existing storage building as extension to kennels - Approve with Conditions 18/05/2007

53104 - Extension to time limit for implementation of planning application 44607 for demolition of existing dwellings and erection of 2 semi-detached dwellings - Approve with Conditions 04/11/2010

58512 - Non-material amendment following granting of planning permissions 44607/53104 to replace arched lintels with straight lintels over windows and french doors and to incorporate coloured soldier course of brick to match below and remove plinth and add contrasting brick course - Approve with Conditions 11/03/2015

70197 - Prior approval for proposed agricultural building- Refused 17/11/2023

10/0495 - Commencement of development on the site without discharge of conditions - 10/09/2010

10/0554 - Change of use; unauthorised advertisement - 10/11/2010

Publicity

N/a

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant**Development Plan and Policies**

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
OL4/5	Agricultural Development
OL5/2	Development in River Valleys
JP-P1	Sustainable Places
JP-G1	Landscape Character
JP-G9	The Green Belt
GMMWP	Greater Manchester Minerals and Waste Plan
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Prior Approval - principle

In order to qualify for permitted development rights set out within Class A of Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) there are a number of criteria/conditions of development which should be satisfied. The first matter to assess is whether the development proposed will be carried out on “agricultural land comprised in an agricultural unit of 5 hectares or more in area of works for the erection of a building which are reasonably necessary for agriculture within that unit”:

Section 336 of the Town and Country Planning Act 1991 defines agriculture (for planning purposes) as activity on land “includes horticulture, fruit growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur or for the purpose of farming the land), the use of the land as grazing land, meadowland, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to farming of the land for other agricultural purposes, and ‘agricultural’ shall be construed accordingly.”

Paragraph D.1 of the Order provides clarity on what constitutes ‘agricultural land’. It states: “(1) For the purposes of Classes A, B and C —

“agricultural land” means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, (my emphasis) and excludes any dwellinghouse or garden;”

The application submission states that the farm/agricultural unit measures 6.7 hectares and that the farm is an established agricultural unit for 200 years.

It was evident at the time of the site visit that the existing storage containers were used to store machinery (tractor) and there was a stack of large wrapped hay bales stored next to the containers which the applicant sells as part of the agricultural business. the applicant has provided title plans to show the extent of their land ownership which exceeds 5 hectares. as required by the Order.

It is considered that the applicant has demonstrated the land has been in an agricultural use as part of an established agricultural unit and that the proposed building is reasonably necessary for the purposes of agriculture within that unit and therefore the proposals are considered to be able to benefit from the Permitted Development rights of Article 3 Schedule 2 Part 6 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment under Part A.1. Article 3 Schedule 2 Part 6 Class A.1. of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposal would comply with all the limitations and conditions as laid out under Article 3 Schedule 2 Part 6 Class A.1. of The Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended).

For completeness, the LPA have assessed the siting, design and appearance of the proposed agricultural building.

Siting

The proposed building would be sited on the footprint of 3 existing smaller container type units. The building would be positioned directly next to the northern boundary of the field and within close proximity to other buildings which form part of the applicant's businesses. It would be well screened from views from the north by established mature vegetation and tree planting and given the extent of the applicant's land to the west and due to the topography and the screening provided by trees from this direction, it is considered that views of the building would be limited.

Therefore it is considered the proposed siting of the building would not have a detrimental effect on the openness and character of the Green Belt and landscape character of the area.

Design

The design of the proposed building is that of an agricultural building designed for the storage of machinery and produce and as such is considered acceptable.

Appearance

The external appearance of the proposed building is considered to be of an agricultural character by virtue of its simple structure and elevations, rectangular footprint and use of materials which make it similar to other agricultural buildings found commonly in the countryside and farm stead developments.

As such, the proposal is considered to be acceptable in terms of its appearance and would not harm the character of the Green Belt or landscape character of the area.

It is therefore considered that Prior Approval is Not Required.

Coal

The site is within a defined coal referral area. However the prior approval process is exempt from requiring a coal report or considering coal risk and as such the coal authority have not been consulted on this occasion.

Recommendation: Prior Approval Not Required

Conditions and Reasons:

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	30/7/24	DM	30/07/2024