

DELEGATED REPORT

Report by Claire Booth	Date of report: 07/12/2023	Ref: 69952/FUL
Registration: 04/09/2023	LDfC: 28/11/2023	Expiry Date: 30/10/2023
Site Visit:	Site Notice: N/A	Press Date: 21/09/2023
Objections: 0	Con Area:	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of an agricultural building

Location: Holhouse Farm, Holhouse Lane, Tottington, Bury, BL8 4HD

Description

The application site relates to a farm located at the end of Holhouse Lane, Tottington which is located within the Borough's Green Belt, the West Pennine Moors and Special Landscape Area, as allocated within the adopted Unitary Development Plan (UDP).

The area of land to which the application relates would be located adjacent to Greenmount Primary School.

Holhouse Farm and the application site is accessed off Holhouse Lane, a designated Public Right of Way - no. 34TOT.

Planning permission is sought to erect an agricultural building and install an access track on land associated with Holhouse Farm, Tottington. The proposed building and access track would be on land adjacent to the grounds of Greenmount Primary School.

The proposed agricultural building would measure approximately 10.8m in length x 12.2m in width. It is proposed to have an eaves height of approximately 5.48m and a ridge height of approximately 7.1m. The building proposes a concrete panel base wall at 1.0m in height with the remainder of the walls and roof proposed be clad in dark green metal cladding. 5 clear roof panels are proposed on the north and south facing roofslopes.

The building would be orientated in a west to east direction, with the west facing elevation facing towards Holhouse Farm. This elevation would have a roller shutter door and a single pedestrian door for access. An access track from Holhouse Lane, and a 10m deep concrete yard area in front of the building is also proposed.

Relevant Planning History

No planning history for the application site.

Below is the planning history for Holhouse Farm and its associated agricultural holding:

52376 - Conservatory to front of farmhouse - Approves with Conditions, 22/04/2010

52539 - Prior notification of proposed farm equipment and machinery shed - Prior Approval Required and Granted, 25/05/2010

55302 - Single storey agricultural building to east elevation (retrospective); external alterations to two existing buildings on north elevation (part retrospective). Approved with Conditions, 10/08/2012

Land on Bolton Road, Hawkshaw that is part of the agricultural holding

69078 - Erection of an agricultural building and proposed access track - Refused, 16/06/2023

Publicity

Due to the application site being accessed off a Public Right of Way, Holhouse Lane, the application has been advertised by both Press Notice and Site Notice. 6 neighbouring properties have also been notified about the proposals by letter. On receipt of an amended Site Plan showing an access track to the building being from the land, nearby neighbours were re-consulted for 14 days.

No representations have been received to any of the public consultations.

Statutory/Non-Statutory Consultations

United Utilities (Water and waste) - No objections.

Drainage - No comments or observations received.

Highways - No objections, subject to an informative advising the applicant of the statutory protection of Public Rights of Way being imposed on any approval.

Public Right of Way - No objections, subject to an informative advising the applicant of the statutory protection of Public Rights of Way being imposed on any approval.

Pre-start Conditions - Not applicable

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN9/1	Special Landscape Areas
OL7/2	West Pennine Moors
OL4/5	Agricultural Development
EN1/1	Visual Amenity
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
HT2	Highway Network
HT2/4	Car Parking and New Development
HT4	New Development
HT6	Pedestrians and Cyclists
SPD3	DC Policy Guidance Note 3: Planning Out Crime
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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 emerging Places for Everyone Plan (PfE), 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 either the emerging PfE plan and 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.

Assessment

Principle of Development

The application site is located on sloping land allocated within the adopted Local Plan (Bury Unitary Development Plan) as Green Belt.

The sites location in the Green Belt

The application site is on a parcel of land within the boroughs adopted Green Belt. Agricultural Buildings are one of the exceptions acceptable in the Green Belt, as defined by paragraph 149 of the NPPF.

Policy OL1/2 of the UDP is in line with the policy of the NPPF and states that new buildings in the green belt are inappropriate unless for one of four purposes; one of the purposes being agricultural and agriculture and forestry. SPD8: 'New buildings in the Green Belt' states that new buildings for agriculture are appropriate within the Green Belt.

In the light of the NPPF and UDP policies, the principle of the agricultural building with the associated access track is considered to be acceptable in Green Belt terms.

Supporting rural businesses

Paragraph 83 of the NPPF states planning policies and decisions should, amongst other factors, enable the development and diversification of agricultural and other land-based rural businesses. In light of the above, the proposal is therefore acceptable in principle.

Whilst the proposed development may be acceptable in principle, this proposal has to be

assessed against other factors such as the impact on visual amenity, residential amenity and highway safety.

Siting, Design and Visual Impact

UDP Policy OL4/5 concerns itself with agricultural development. It seeks to ensure that buildings or structures which require permission should be sited and designed in such a manner to minimise their visual impact on the landscape having regard to height, materials, landform and landscaping; relate well to existing farm buildings; not have an unacceptable impact on the amenity of any neighbouring dwellings.

In terms of the visual impact of the proposals, the application site is within a Special Landscape Area (UDP Policy EN9/1), and is within the West Pennine Moors (UDP Policy OL7/2) area of the borough, thus the proposals will also be assessed against these policies, as well as UDP Policy EN1/1 (Visual Amenity). Proposals therefore need to not harm landscape character or visual amenity with policies EN9/1 and OL7/2 requiring sympathetic development, and for all development to be of a high standard of design & Unduly obtrusive development would not be permitted in such areas. UDP Policies EN1/1 and EN1/2 also concern themselves with the effect of proposals on visual amenity and the impacts on a surrounding area.

Within the Greater Manchester Landscape Character and Sensitivity Assessment (2018) the site is also assessed as an area of landscape of moderate high landscape value and as being highly sensitive to commercial development such as this.

The land surrounding Holhouse Farm is a high quality attractive landscape. The proposed building has been sited in the most appropriate location on the agricultural holding, with it sited on land immediately adjacent to the boundary of the settlement (and School) which finishes tight up to the boundary of the Green Belt and the proposed building being sited in line with the School building.

The proposed associated yard area and access track to the building would detract from the visual qualities of this special landscape area. However, buildings for the purposes of agriculture are acceptable in rural landscapes given agricultural uses are fundamental to the character and appearance of them. In addition, the application seeks to plant native trees along the eastern and southern boundaries of the site to provide some compensation.

Residential Amenity and the Impact on Greenmount Primary School

Impact on neighbouring residential occupiers

UDP Policy OL4/5 - Agricultural Development seeks to ensure that buildings or structures which require permission are sited and designed in such a manner to not have an unacceptable impact on the amenity of any neighbouring dwellings.

Residential properties located on Chisholme Close back on to Holhouse Lane and the garden area of no. 40 Larkfield Close abuts the southern boundary of the site.

Provided the proposed building would be used for agricultural storage purposes it is considered the building would be sited a suitable distance away from the nearest residential properties to ensure the proposed building would not have any adverse impacts on the amenity of neighbouring residential occupiers. In addition, a couple of trees are proposed to be planted along the southern boundary of the site to break up the visual mass of the proposed building for the occupiers of nos. 38 and 40 Larkfield Close. On this basis, the proposal is considered to accord with UDP Policy OL4/5.

In the interests of protecting the School and nearby residents, any building would only be able to be used for agricultural storage purposes.

Impact on Greenmount School

Paragraph 187 of the NPPF states: "*Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities*".

Paragraph 185 of the Framework states: "*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development*".

Whilst the proposed building would be sited on land adjacent to Greenmount Primary School, provided the building is only used for agricultural storage purposes, the proposed building would not cause demonstrable harm to this educational establishment, or its users. A planning condition is thus recommended to secure the use of the building to agricultural storage purposes only.

Utilities, Drainage and Flood Risk

Paragraph 167 of the NPPF (2023) states that Local Planning Authorities should ensure flood risk is not increased elsewhere (i.e. outside areas at risk of flooding) and only consider development appropriate in areas at risk of flooding where proposals are informed by a site-specific flood risk assessment.

UDP Policy EN5/1 concerns itself with new development and flood risk and states the Council will not permit new development, including the raising of land, and the intensification of development, where such development would be at risk from flooding, or would be likely to increase the risk of flooding elsewhere, or affect river flood defences.

The application site is located in Flood Zone 1 which is identified as being an area which has the lowest risk of flooding.

Between Holhouse Lane and the field in which the building is proposed a drainage ditch running along Holhouse Lane exists. The proposed access track would cross this ditch. It is proposed to install a simple culvert (Piped ditch) with hardcore over; the pipe will be twin wall (Plastic) to ensure safe passage over the ditch into the application site/ field by tractors.

The siting of the building is also within a field and is bordered by countryside on one side, therefore any drainage from the site can be directed onto the adjoining agricultural fields. This along with the relatively modest size of the building will ensure that the development would not result in conditions that would cause flooding downstream. The proposal is therefore considered to accord with UDP Policy EN5/1.

Highways Matters

The proposal seeks to be accessed from the access lane to the farm, a designated Public Right of Way; no. no. 34TOT.

Holhouse Lane takes a lot of vehicular traffic on this public footpath using it as access for the school, houses and through to the farm to which this application relates. Relatively speaking, the volume of use is not going to change significantly due to the creation of an additional agricultural building at Holhouse Farm. As a result, both the Public Right of Way Officer and Highways department are satisfied that the proposal would not cause significant highway safety I would be happy to just have the usual note bringing the existence of the footpath to the attention of the applicant together with the responsibilities that brings.

The Highway Authority, which includes the Council's Public Rights of Way Officer, have raised no objections to the proposals, provided the Public Right of Way is not obstructed or closed as a result of the development. Informatives advising of the separate legislation surrounding the keeping of public rights of way unobstructed and open are therefore duly

recommended to be imposed on the decision notice.

Crime and Design

Both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out guidance in creating safe and accessible communities, with the NPPF recommending that local planning authorities ensure their policies and decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

PPG 3: 'Planning Out Crime in New Developments reflects the national requirement to consider crime prevention as part of the planning system, in accordance with the requirements of Section 17 of the Crime and Disorder Act.

Crime rates are continually rising, including for agricultural development. A sensible and practical level of security, which will not adversely affect the efficiency of a business, is essential for a successful and profitable business. The National Secured by Design advice note for Commercial Development, which a building of this nature would come under, states majority of criminal incidents in commercial development relate to property crime. In this case, the proposed building would be naturally surveilanced by neighbouring residential properties as well as from the farmhouse associated with Holhouse Farm. The building is also designed to be fully secured when not in use. The proposal is therefore considered to accord with PPG3, the NPPF and NPPG.

Conclusion

The proposed agricultural building would be for agricultural storage purposes only, which will be secured via planning condition. The proposed development accords with the requirements of Policy OL1/4 of the UDP as it would not cause demonstrable harm to visual amenity, residential amenity, highway safety, or the other matters discussed in this report. For these reasons, it is thus recommended that the application be approved, subject to conditions requiring the development to be built in accordance with the approved plans, and only being used for agricultural storage purposes.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 permission relates to the following plans:

Drawing no. C118/002 Rev. B: Site and Location Plan; and,
Drawing no. C118 E: Proposed Plans

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans listed within Condition 2.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policies EN1/1 - Visual Amenity, OL4/5 - Agricultural Development, EN9/1 - Special Landscape Area and OL7/2 - West Pennine Moors of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 The building hereby permitted shall be used for agricultural storage purposes only as defined in Section 336(1) of the Town and Country Planning Act 1990 in conjunction with Holhouse Farm.

Reason: To ensure that the building is used solely for agricultural storage purposes connected with the workings of the agricultural holding Holhouse Farm, in the interests of safeguarding Greenmount Primary School and its users from agricultural odours, the character of the countryside in which the site is set, in the interests of visual amenity, and in the interests of safeguarding the Green Belt from inappropriate development, in accordance with Policies EN1/1 - Visual Amenity, OL1/2 - New Buildings in the Green Belt, and OL4/5 - Agricultural Development, of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	7/12/23	DM	7/12/23