

DELEGATED REPORT

Report by Helen Pressley	Date of report: 04/12/2023	Ref: 70163/AG
Registration: 11/10/2023	LDFC:	Expiry Date: 05/12/2023
Site Visit: 01/12/2023	Site Notice: N/A	Press Date: N/A
Objections: 8	Con Area: N/A	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: Land south of former Ainsworth Nursing Home, Ainsworth, Radcliffe, Bolton, BL2 5PX

Description

The application is for the Prior Approval of the Local Planning Authority for a non-livestock agricultural building, under Part 6, Class A of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The site is in Green Belt and designated under the Unitary Development Plan as a Special Landscape Area and is located within the West Pennine Moors. The site is to the east of Knowsley Road and is located to the south of the residential development Knowsley View which is also known as Former Ainsworth Nursing Home. The former Ainsworth Nursing Home is considered to be A Non-Designated Heritage Asset comprising of five separate buildings and trees within the boundary of this site are protected by means of a TPO. The TPO does not extend into the application site.

The Prior Approval of the Local Planning Authority is required for the siting, design and external appearance of the proposed building.

The proposed development comprises of a non-livestock agricultural building for the storage of livestock fodder and agricultural equipment. The proposed development would be 27.5m x 9m with a ridge height of 6.5m and eaves height of 5m. The application form confirms that the proposed building would be constructed from concrete panels up to 1.5 metres and green steel sheets to eaves/ridge and would be of a single apex design with overhang on the proposed open side.

Relevant Planning History

None

Publicity

Applicant's site notice posted 8/11/2023

9 representations of support in relation to:

- Trying times for any business especially farmers
- Farm has been there since 1700s and has been passed down through generations
- The land buildings and footpaths are always kept in immaculate condition.
- Disgrace if the farmer is now denied permission to expand his business due to complaints from out of towners who have lived there as little as 12 months.
- Seen many farms built and developed for housing. Nice to see a farm retained.
- Without this development the farm will be gone.
- No doubt this application should be approved.
- This is a simple but vital request.
- Applicant is a responsible resident.

- Clear applicant has altered the original application in order to appease the resident's of the former nursing home site.
- Can't see why anyone would object.
- Why would you buy a property next to a farm then complain that there are farming activities going on next to your property. Next they will be complaining he's spreading manure on the field.
- A restriction could be placed on the barn for agricultural use only to alleviate any fears about it being developed in the future.

8 representations of objection in relation to:

- loss of privacy
- loss of light
- flooding
- septic tank pipes run under where barn is to be placed
- the site is a heritage site which has been maintained and redeveloped in keeping and sympathetic in line with LPA policy
- Will eventually be developed into housing
- Sited to the front of an NDHA
- Other locations within farm land, or next to farmers dwelling are more suitable.
- Increased traffic
- TPO trees.
- Out of scale/proportion
- Poor design and materials
- Design is contemporary and does not match the heritage site.
- Fire risk
- Fuel could leak into stream.
- Good that barn has been turned through 90 degrees but would still act as a significant visual obstruction.
- Open sided barn is likely to attract nefarious activities.
- Yard could become unsightly.
- Other planning on Ainsworth Nursing Home site has been refused as it didn't match the heritage of the property. Don't see how anyone can get the benefit of seeing a heritage site with a big barn stuck in front of it.

1 representation from applicant in relation to:

- business has grown from 18 to 70 breeding ewes
- victim of theft of farm machinery and equipment
- submitted application in order to evolve my business in a more sustainable manner and reduce risk of theft.
- Initial siting of barn caused concern for residents of the former nursing home due to it's orientation and proximity to their boundary. After meeting agreed to turn the building 90 degrees and move it further way from redeveloped bungalow.
- It will be 22metres from the gable end of the bungalow and have reduced footprint by 20%
- residents are content with these changes I hope the council can support my business and approve my application.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN9/1	Special Landscape Areas

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4/5	Agricultural Development
OL5/2	Development in River Valleys
OL7/2	West Pennine Moors
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) 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.

Permitted development

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or

more in area of-

- (a) works for the erection, extension or alteration of a building; or
- (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

Development not permitted

A.1 Development is not permitted by Class A if-

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;
- (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;
- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;
- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;
- (e) the ground area which would be covered by-
 - (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or
 - (ii) any building erected or extended or altered by virtue of Class A, would exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;
- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;
- (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or
- (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system-
 - (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or
 - (ii) is or would be within 400 metres of the curtilage of a protected building.

Conditions

A.2- (1) Development is permitted by Class A subject to the following conditions-

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;

(b) where the development involves-

(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or

(ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;

(c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

(2) Subject to sub-paragraph (3), development consisting of-

(a) the erection, extension or alteration of a building;

(b) the formation or alteration of a private way;

(c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or

(d) the placing or assembly of a tank in any waters,

is permitted by Class A subject to the following conditions-

(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

(ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

(iii) the development must not begin before the occurrence of one of the following-

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application under subparagraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant

of their determination;

(iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must-

(aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and

(bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out-

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

(vi) the development must be carried out-

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

Part 6 Class A.

Evidence has been submitted to show that the site is part of an agricultural unit greater than 5 Hectares (Ha) in area.

The LPA must also make a determination as to the siting, design and external appearance of the proposed agricultural building.

In this respect, the following policies are considered relevant -

Policies

Para 149 of the NPPF states that buildings for agriculture are appropriate development in the Green Belt.

UDP Policy OL1 - Green Belt states the Council will maintain a Green Belt, ensuring that it fulfils the following strategic purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from further encroachment;
- to preserve the setting and special character of historic towns;
- to assist in urban regeneration, by encouraging the recycling of derelict and other land.

UDP Policy OL1/2 - New Buildings in the Green Belt says the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- agriculture and forestry (except where permitted development rights have been withdrawn);

- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- limited infilling in existing villages as set out under Policy OL1/3.

UDP Policy EN9/1 - Special Landscape Areas strictly controls development which is required to be sympathetic to its surroundings in terms of its visual impact. high standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

Policy OL4/5 - Agricultural development require buildings to be sited and designed in such a manner as to minimise visual impact to the landscape having regards to height, materials, landform and landscaping; relate well to existing farm buildings and not have an unacceptable impact on the amenity of any neighbouring properties.

Policy OL7/2 - West Pennine Moors. Throughout the area of the West Pennine Moors, as defined on the Proposals Map, the Council will control development and manage recreational activity and public access, so as to reduce any possible detrimental effects these may have on the important character of the area. In considering proposals for development particular regard will be had to the effect on the following:

- agriculture and forestry;
- water catchment;
- settlements;
- landscape character;
- ecological and geological features;
- archaeological and historic features.

SPD8 provides guidance on the construction of new buildings in the Green Belt and specifically to agricultural buildings, states new buildings should normally form part of a group rather than stand in isolation and relate to existing in size and colour. The site should be selected close to a highway for access purposes and relate to landscape features so as not to harm views of the skyline.

Careful consideration should be given to the impact of a new building when viewed from several locations in both the immediate and wider countryside, with significant weight given to views from main roads, public footpaths and settlements. There should be an emphasis on materials and colours that have the least visual impact on the surrounding area. Consideration should also be given to the best way of integrating the building with its immediate surroundings.

The site is also located to the south of the former Ainsworth Nursing Home which is considered to be a non-designated heritage asset (NDHA). Paragraph 189 of the NPPF advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.

Assessment - Siting, design and appearance

The site is located in a Special Landscape Area, West Peninne Moors and the Green Belt.

Under paragraph 149 of the NPPF, buildings for agriculture are considered as appropriate development in the Green Belt. However, para 137 and 138 states the importance attached to Green Belt and to retain the essential characteristics of Green Belts which are their openness and permanence.

The site is a large open field which is widely visible from long range views from all

directions. The field is divided to the south of the proposed building by a post and wire fence, and there are telegraph poles visible to the south of the proposed building. The boundary along the side of the road to the site is depicted by a post and wire fencing. The proposed building would be located approx 5.7metres from the boundary to Knowsley Road, 16 metres from the boundary of the former Ainsworth Nursing Home (excluding the unauthorised garden extension at The Bungalow).

UDP Policies EN9/1, OL1/2 and SPD8 make it quite clear that development in the Green Belt and Special Landscape Areas should be strictly controlled and required to be sympathetic to surrounding areas in terms of visual impact, with high standards of design, siting and landscaping. Obtrusive development will not be permitted and buildings should be sited so as to relate to existing development, avoid long obtrusive driveways, relate to landscape features and not harm views of the skyline.

Limited information has been submitted with the application. A proposed site plan, block plan and dimensions of the proposed building have been submitted. Materials proposed have also been indicated with the application form and the applicant has submitted an image via email of a building that they state is similar to what they require which shows a dual pitched, open sided agricultural building. No elevation drawings however have been submitted.

It is considered that from the information submitted, the design of the proposed building would be acceptable. The proposed materials, and dimensions suggest a functional agricultural building to be sited within an agricultural unit which would be appropriate in this location.

The proposed building would be particularly visible and prominent to public views on both approaches along Knowsley Road and Public Right of Way 31CC to the east. The proposed building however would be sited adjacent to the road, rather than in an isolated position and over long ranging views would be viewed as a cluster of development alongside the former Ainsworth Nursing Home and the cottages to the south on Knowsley Road. It is therefore considered that the siting of the proposed building in relation to the policies set out above is acceptable in this respect.

The site of the former Ainsworth Nursing Home is located to the north of the site and currently includes 5 of the original buildings that date from the early 20th Century, when they were erected to create a smallpox isolation hospital. The site is considered to be an NSHA. The 5 buildings have been altered and extended to varying degrees, however they have retained a coherence, derived from their layout, some design features, and their external materials. The dwelling known as The Bungalow, located towards the southern boundary of the site and east of the access point, was a later addition and not constructed in the style of the original buildings referred to.

Whilst the proposal would be viewed in relation to this NDHA, the main building that the proposal would be viewed in relation to is The Bungalow which is a more modern, and extended addition to the site. The NDHA grouping has significance in that it is the only smallpox hospital of it's type within the borough and there is a group value to the collection of buildings that have evolved through this use. The site's remaining heritage buildings however are well screened by the group TPO, and it is the grouping, materials and historical importance of these buildings that make up the NDHA. Whilst the proposed agricultural building would be located to the south of the this grouping of buildings, given the context of the site it is considered unlikely that the siting of an agricultural building outside of the NDHA building grouping and established curtilage would have a material impact of the heritage importance and significance of this site.

Siting and impact on public amenity

The nearest residential properties are those to the north of the site. The Bungalow is the nearest property and this has been extended approximately 1720mm to the south so would

now be nearer to the boundary of the site than the site location plan submitted. The Bungalow also appears to have extended their garden, and therefore their boundary to the south into an area indicated in blue within their planning applications however this has not been approved via the submission of a planning application and as such this area of "garden" has not been assessed.

There would be a distance of approximately 20 metres between the proposed building and the nearest elevation of The Bungalow as extended. Whilst there is a fence and planting along this new boundary, which would screen the building to some degree, the building would still be visible from this residential property.

The building would have an elevation length of 9 metres facing The Bungalow and a height of 6.5m. This building would be located directly to the south of the Bungalow. Given that the bungalow is approximately 10 metres in width it is considered that the siting of the building in this location, and within 20 metres of the ground floor windows of this property would be unneighbourly. It is considered the proposed building would be obtrusive and visually harmful to the visual amenity of the occupier/s of this property.

The proposed building would be utilised for the storage of livestock fodder, and agricultural equipment. It is considered that the siting of the proposed building, its proximity to residential uses and its associated use and the type of traffic it would generate would also cause potential noise and disturbance to nearby occupier/s.

The proposed development by virtue of its siting, design and appearance would result in a large and imposing building within close proximity to residential properties to the north and therefore significantly harm the residential and visual amenity of the adjacent dwellings, with potential unacceptable noise and disturbance from activities undertaken within and around the agricultural building. The proposed development is therefore considered contrary to Bury Unitary Development Plan Policies EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt, OL4/5 - Agricultural Development, OL7/2 - West Pennine Moors. and SPD8 and the principles of the NPPF.

Application process

It is noted that the applicant has sought to move the building away from The Bungalow, and has rotated the building around 90 degrees.

The Case Officer has had discussions with the applicant on site, over the phone and via email to try to accommodate the needs of the neighbouring properties and the applicant. A plan was sent to the applicant that suggested moving the barn so that it was approximately 65 metres from The Bungalow as extended, and 95 metres from the rear of the properties to the south at Knowsley Road.

The applicant considered that this new location would provide a considerably longer farm track and ground works from the current access point, it would be located in a very productive field which would reduce farming capacity and would have a major visual impact on the surrounding area including the listed building at Barrack Fold Farm, Knowsley Road Cottages and numerous footpaths in the areas.

It is noted that the proposed re-siting would require a longer farm track, but this would be viewed in connection with the existing highway/access. The proposed re-location of the farm building would not impact on the setting of the listed building due to siting, and would retain an appropriate distance to the dwellings to the south.

Further sites adjacent to the applicant's existing buildings, further to the east of the proposed building, within other fields etc have also been proposed by the LPA during discussions but these have also been discounted by the applicant for various reasons (flooding, impact on TPO, loss of farming land etc).

It is considered that the LPA have worked pro-actively with the applicant during the prior approval process but unfortunately a location to site the building has not been found that meets the needs of the applicant, and the neighbouring land users and as such the application has been progressed on the information submitted.

Response to representations

It is considered that the material considerations, for a prior approval application, have been considered within the main body of the report.

Conclusion

Prior Approval in relation to siting, design and appearance is required. The siting of the proposed building is considered to be unacceptable and as such the proposal has been recommended for refusal.

Recommendation: Prior Approval Required and Refused

Conditions and Reasons:

- 1 The proposed development by virtue of its siting, design and appearance would result in a large and imposing building within close proximity to residential properties to the north and therefore significantly harm the residential and visual amenity of the adjacent dwellings, with potential unacceptable noise and disturbance from activities undertaken within and around the agricultural building. The proposed development is therefore considered contrary to Bury Unitary Development Plan Policies EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt, OL4/5 - Agricultural Development, OL7/2 - West Pennine Moors. and SPD8 and the principles of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 04/12/2023			