

DELEGATED REPORT

Report by Claire Booth	Date of report: 02/08/2023	Ref: 69646/FUL
Registration: 08/06/2023	LDfC: 03/07/2023	Expiry Date: 03/08/2023
Site Visit: 24/07/2023	Site Notice: N/A	Press Date: N/A
18:00:00		
Objections: 0	Con Area:	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Demolition of existing buildings and erection of replacement agricultural building

Location: Harcles Hill Farm, Moor Road, Ramsbottom, Bury, BL8 4NT

Description

Permission is sought to demolish a range of 1960s and 1970s buildings built from a mix of concrete block and timber and replace with two modern timber clad agricultural building at an isolated farm located of a farm lane off Moor Lane, Holcombe, at the base of Harcles Hill.

The existing buildings are located on two levels as the land slopes down hill, northwards.

The proposed buildings would be slightly smaller in footprint than the buildings they would replace and would effectively be sited in an L shape, albeit with a slim gap of approximately 1.35m between the two buildings.

The longer of the two buildings would measure approximately 18.5m (l) x 10m (w) x 4.0m to the eaves, and approximately 5.47m to the ridge of its gable roof. The smaller building would have a half-pitched roof and would measure approximately 6.4m (l) x 6.0m (w) x 2.5m to the lower eaves, 2.9m to the upper eaves and would have a maximum height of approximately 3.78m. Both buildings would have vertical treated double overlapped timber boarding above a 1.4m high concrete block wall.

The site is located within the boroughs allocated Green Belt, West Pennine Moors Special Landscape Area and within a Mineral Safeguarding Area. The West Pennine Moors SSSI lies adjacent to and surrounds the application site.

Relevant Planning History

69481 - Lawful development certificate for proposed replacement of an existing timber framed agricultural building constructed over 80 years ago with a more modern timber framed agricultural building. The existing hard standings will be used, but a small area of approximately 3 square meters of additional hard standing will be added. Existing drains will be used and no other groundwork will be necessary. - Withdrawn by Applicant, 23/05/2023

65977 - Proposal for the installation of 1no. 11.8m Wind Turbine - Refused, 25/02/2021

Publicity

The application has been advertised by Site Notice and on the Council's website. No representations have been received to this public consultation.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections

Public Rights of Way Officer - No comments or observations received
Greater Manchester Ecology Unit - Recommends an ecology survey be submitted

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN6	Conservation of the Natural Environment
EN6/1	Sites of Nature Conservation Interest SSSI's NNR's
EN6/5	Sites of Geological Interest
EN9/1	Special Landscape Areas
OL4/5	Agricultural Development
MW1	Protection of Mineral Resources
MW1	Protection of Mineral Resources

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.

Assessment

Principle of Development

As the proposal is for an agricultural building on agricultural land, there is a presumption in favour of supporting such in Section 6 of the National Planning Policy Framework (NPPF). In this case, the proposal is to replace existing agricultural buildings with a new 'L' shaped agricultural building.

The application site falls within the Greater Manchester Green Belt, as defined within the adopted Unitary Development Plan (UDP) and within the emerging Places for Everyone Plan. Whilst the construction of new buildings in the Green Belt is regarded as inappropriate, the NPPF makes an exception for agricultural buildings and as such there is no requirement to consider impacts on the openness of the Green Belt thereafter. The proposal would therefore constitute appropriate development and comply with the principles of the NPPF, UDP Policy OL1/2.

Overall, the principle of replacing the existing agricultural buildings is therefore acceptable.

Siting, Design and Appearance

The site falls upon land designated as a Special Landscape Area and as being within the allocated West Pennine Moors area, and as such an assessment of the impact of the siting and design of the proposed development is necessary with regards to the visual amenity and landscape character, as required by UDP policies EN1/1, EN9/1, OL4/5 and OL7/2.

The proposal seeks to demolish the existing agricultural buildings that exist to the west of the farmhouse, and replace it with a building with a similar footprint. The proposed replacement building is of a modest scale and would be no higher than the height of the existing buildings to avoid the electric wires that lie overhead supplying power to the house. The replacement building and would be clad in timber, a typical material.

Due to the undulating land in the locality, and natural landscape features such as stone walls, the farmstead is not overly visible within the landscape and therefore the proposed replacement building would also not appear highly visible in the landscape when viewing the site from the surrounding moorland and Public Rights of Way - 31RAM. a Public Footpath, 28RAM, a Public Bridleway.

Due to the modest scale of the proposed building and the filtered views towards it from relatively distant vantage points, it would be largely screened and would assimilate easily in the rural landscape.

Given the circumstances, the proposal would not have any unacceptable impacts upon visual amenity or landscape character of the area or the designated landscapes in which the site is set, and would result in a visual improvement to the farmstead itself and would therefore be compliant with the above-mentioned policies and SPD8.

Residential Amenity

The application site is an isolated farmstead with the nearest neighbours being Higher Tops Farm and Barn located approximately 500m to the east, on Moor Lane, diagonally opposite the end of the farm lane where it meets Moor Lane, and therefore there would not be a detrimental impact on the amenity of these nearest neighbouring properties. The proposal therefore accords with UDP Policy OL4/5.

Access and Highway Safety

The Highway and Public Rights of Way Officer do not object to the proposed development. As the proposed building is only slightly larger than the building being replaced, the proposal would not cause severe harm to highway safety.

Biodiversity

The farmstead is located on Holcombe Moor, which is designated a Site of Special Scientific Interest (SSSI) and at a local level the surrounding moor is allocated as a Site of Biological Interest, the buildings to be demolished are not suitable for bats. They are a mix of pre-fab buildings constructed of various materials such as breeze block and timber.

The SSSI is designated due to West Pennine Moors, of which Holcombe Moor forms part, supports an extensive mosaic of upland and upland-fringe habitats. It is of special interest for the following nationally important features that occur within and are supported by the wider habitat mosaic:

- blanket bogs;
- wet and dry heathlands;
- acid and lime-rich flushes;
- rush pastures and mire grasslands;
- acid grasslands;
- neutral hay meadows and pastures;
- wet and dry broadleaved woodlands and scrub;
- diverse assemblages of upland moorland, in-bye and woodland breeding birds;
- breeding black-headed gulls *Chroicocephalus ridibundus*, Mediterranean gulls *Larus melanocephalus* and grey herons *Ardea cinerea*; and
- populations of starry Alchemilla *acutiloba* and large-toothed lady's-mantles *A. subcrenata* and floating water-plantain *Luronium natans*.

The proposal would not have any negative impacts on the above mentioned habitat types.

The West Pennine Moors SSSI also supports a mixed breeding bird assemblage for upland moorland without water bodies and upland in-bye and allotment farmland habitats. Swallows are present on the site. An informative will be used to make the applicant aware of the protection of birds. A condition is also recommended requiring three bird nesting cups to be attached under the eaves of the proposed building to the west and south facing elevations. This will ensure mitigation is provided for the swallows nesting on the site, as required by the Wildlife and Countryside Act 1981 (as amended) and the NPPF.

Conclusion

The proposed building would not have any unacceptable impacts on the openness of the Green Belt, upon visual amenity, landscape character, residential amenity or highway safety. Given this, subject to the recommended planning conditions, the proposal would be compliant with the above stated Unitary Development Plan policies, SPD8, the NPPF and the Wildlife and Countryside Act 1981 (as amended). Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal is recommended for approval.

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 and Country Planning Act 1990 (as amended).

- 2 This permission relates to the following plans:

Drawing no. HAR-01: Location Plan;
Drawing no. TQRQM23080112438726: Block Plan; and
Drawing no. Hilditch: Elevations & Layout 10.00m Agricultural Timber Portal Building

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 No clearance of the existing buildings to be removed in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the building(s) to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any building shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds and due to the sites location adjacent to the West Pennine Moors SSSI, in accordance with the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

- 4 A minimum of three Bird Nesting cups shall be placed under the eaves of the south and west facing elevations of the building hereby approved.

Reason: To mitigate against the loss of any bird nests to ensure that the development does not adversely affect the favourable conservation status of protected species and to secure appropriate biodiversity mitigation and enhancements as part of the development given the sites location in close proximity to the West Pennine Moors SSSI, in accordance with the requirements of the National Planning Policy Framework and the Wildlife and Countryside Act 1981 (as amended).

- 5 The building hereby permitted shall be used for agricultural purposes only (as defined in Section 336(1) of the Town and Country Planning Act 1990); in conjunction with the remainder of the holding as identified in the supporting information submitted with the application. It shall be removed and the site reinstated to its original condition by a scheme to be agreed with the Local Planning Authority if at any time it ceases to be used for this purpose.

Reason: To ensure that the building is used solely for agricultural purposes

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connected with the workings of the holding due to the sites location in the Green Belt, in accordance with Policy OL1/2 - New Buildings in the Green Belt and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	2/8/23	DM	2/8/23