

Description

The application relates to a site which is in a rural location in the Green Belt, Special Landscape Area and River Valley. The site comprises a large open field which is bounded to the east by Whalley Road and to the west is the M66 which is set lower than the site. There is a public footpath which follows Leaches Lane to the south of the field.

The application submission states that the proposed development is for an agricultural building on land at Sheep Hey Farm, Shuttleworth which is an agricultural unit of some 28 hectares (69 acres).

The proposed building would be used for general agricultural storage purposes including the storage of hay from the land and for agricultural machinery.

The proposed building would be sited in the south west corner of the field which is close to the field's access located off Leaches Lane. There is an existing field gate which would lead to a 25m long hardcore surface to facilitate the turning for farm vehicles.

The building would be 20m long and 12m wide with a ridge height of 4.89m and eaves level of 3.6m.

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).

The applicant was notified on 27/7/23, within the 28 day period from the date the application was received, that the prior approval of the Local Planning Authority was required for the siting, design and external appearance of the building.

The applicant posted a site notice on 1/8/23 as required by conditions under paragraph A.2(iv) (aa) of Part 6, Class A of the General permitted Development Order.

The application is a resubmission following the refusal of a Prior Approval Notification for the siting of the agricultural building adjacent to Whalley Road for reasons -

- by virtue of the siting, design and appearance would be harmful to the landscape qualities of the area being located in an isolated and remote position
- by virtue of its siting, design and appearance would result in a large and imposing building within close proximity to residential properties and which would be highly visible from the public domain and therefore significantly harm the residential and visual amenity of the adjacent dwellings and members of the public
- by virtue of the siting of the proposed building, the proposal would result in the intensification of daily use of an access onto and from a high speed classified road that is sub-standard in terms of visibility and arrangements at the junction with Whalley Road.

Relevant Planning History

69406 - Prior approval for proposed agricultural building - Prior Approval Required and Refused 18/4/23.

Publicity

Site notice posted 1/8/23.

One comment received on 25/7/23.

- Contacting you regarding the above at Sheep Hey Farm, I wish to point out that I only became aware of the current planning request last night, Myself and one of my

immediate neighbours have been checking the portal periodically since ref 69406 was refused.

- Notified as many neighbours as possible and must advise you that no one was aware of the latest submission because there are no notices posted anywhere as far as I can see.
- Have had a walk around Leaches Lane earlier and can find none, I have asked around and can't find anyone who claims to have seen any.
- Interested parties will make any comments they wish to make as soon as possible however with the deadline fast approaching , I wanted you to be aware that residents are only just finding out what is proposed.

Site notices were subsequently posted by the applicant on 1/8/23 following the confirmation from the LPA that the proposal would require the prior approval of the LPA.

No representations have been received.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

<SQLDCPolicyComRep>

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.

Prior Approval - principle

The proposal would comply with all the limitations and conditions as laid out under Article 3 Schedule 2 Part 6 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

However the LPA must 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 OL5/2 - Development in River Valleys only considers development acceptable where the development would not lead to the division of open parts of the valley into sections and it would fall within the terms of the listed exceptions, which includes Green Belt.

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.

Assessment - Siting, design and appearance

The site is located in a Special Landscape Area, River Valley and the Green Belt.

Under para 149 of the NPPF, buildings for agriculture are considered as appropriate development in the Green Belt. 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 field within which the building would be located is a large and open field. The eastern part of the field is located adjacent to Whalley Road and is relatively level up to about the midway point. From there, and towards the west the land slopes downwards following Leaches Lane towards the western boundary and the boundary to the M66 motorway.

The proposed building would be sited in the south western corner of the field which is the lowest part of the field and which is not visible from views from Whalley Road. The site itself is slightly elevated above Leaches Lane at this point and has apparently been subject to tipping over a period of time but which is now grassed and stoned over.

The applicant proposes to remove this tipped area to create a level plateau, and in doing so the site would be level with the lowest part of Leaches Lane before the lane bends in a southerly direction.

Siting the building in this location, close the western boundary and at the lowest level of the field, there would be limited views of the building from the east and north, and from the majority of Whalley Road the building would more than likely not be visible at all. Landscaping to the western boundary would be strengthened to screen views of the building from this direction and in addition planting to the north and eastern side of the building would aid in obscuring parts of the site and buildings from views.

An area of consolidated hardcore stone, 25m in length would be laid to the south of the building up to Leaches Lane for access by farm type vehicles and is the type of surfacing which is commonly used and found in agricultural type areas and farmsteads to enable movement of farm traffic without causing severe visual impacts to the countryside. In respect of the siting alone, as the building would be located in the corner of the field next to a boundary and with the proposals to level out the site area at the lower part of the whole field, together with the landscaping proposals, it is considered that the proposed

development would be acceptable and would not significantly harm the special landscape character or the openness of the Green Belt.

In terms of design and appearance of the proposed building, it would be 20m x 12m x 4.89m and constructed of pre cast concrete panels up to 2m high with the remainder of the upper wall comprising Yorkshire timber boarding. The roof would be constructed of a corrugated mineral fibre.

The building would have a rectangular form with a pitched roof and sliding timber opening doors on the north and south elevations for access purposes.

Whilst a relatively substantial structure, in appearance and design the building would characteristically appear similar to that of other agricultural type builds commonly used for the storage of agricultural machinery and which are located in other farming settlements or rural areas. Given its location as assessed above, it is considered that the proposed design and appearance would not appear harmful within the landscape area.

It is therefore considered that the proposed development would be acceptable and comply with policies OL1/2, OL4/5, EN9/1, SPD8 and the principles of the NPPF.

Siting and impact on public amenity

The nearest houses are on Whalley Road to the east, 160m away. These properties would have some views of the building but given the building would be set in a 'dip' in the landscape and with the separation distance it is considered that impacts on outlook and noise from the development would not be significant.

The properties to the west would be beyond the M66 motorway and set at a lower level to the site and with the intervening landscaping features it is considered these properties would not be affected by the proposed development.

The site would be located directly off a Public Right of Way which is used by walkers and members of the public. It is also a vehicular access route to the motorway bridge and development beyond which includes a campsite and farmsteads.

Views of the building by those using the PRoW would only be for a short period and given the rural setting and that parts of the wider area are also characterised by farm buildings, it is considered that visual impacts would not be of significant harm.

As such it is considered the proposed development would be acceptable and comply with policies OL4/5, EN1/2 and SPD8.

Siting and access issues

There is currently a metal gate which provides access to this part of the field from Leaches Lane and it is the applicant's intention to continue to use this access. A 25m length of consolidated hardcore stone would be laid within the field boundary for access by farm type vehicles which often pull trailers or hay carts and this would enable the safe access and manoeuvring of the vehicles to leave the site in a forward gear. The existing gates to the site from Leaches Lane would be retained.

In terms of using Leaches Lane to access the site, the development would be for one building to be used for the storage of hay and general agricultural purposes and it is considered that the scale of development would not generate significant levels of traffic to cause conflicts with other users or detrimentally affect the integrity of the PRoW.

It is therefore considered the proposed development would comply with OL1/2, OL4/5, EN9/1 and SPD8.