

DELEGATED REPORT

Report by Helen Pressley	Date of report: 20/10/2023	Ref: 70030/FUL
Registration: 23/08/2023	LDFC: 12/10/2023	Expiry Date: 18/10/2023
Site Visit: 21/09/2023	Site Notice: 21/09/2023	Press Date: 14/09/2023
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of an agricultural building for the storage of machinery and hay

Location: 110 Watling Street, Tottington, Bury, BL8 3QJ

Description

The application involves a site which is in the Green Belt, an Area of Special Landscape and West Pennine Moors and is part of an agricultural holding of 0.65ha. A residential dwelling and caravan associated with the site is located to the north and east of the site. The site itself is accessed from Watling Street and currently comprises of a stone built agricultural building. Footpath 13TOT runs along the north of the site.

Planning permission is sought for the construction of an agricultural building. This would include the retention of the existing agricultural access and hardstanding from Watling Street, and the retention of the existing stone built agricultural building. The proposed building would be approximately 8000mm wide, 9176mm long with an overall ridge height of approximately 4921mm. It is proposed to be utilised for the storage of hay and machinery.

Relevant Planning History

02411/E - Two storey rear extension - Enquiry completed 21/02/2020

64351 - Demolition of existing dwelling and erection of 1 no. replacement dwelling - Withdrawn - Invalid 09/09/2019

64714 - Two storey extension at front, two storey extension at rear and single storey extension at side/rear - Withdrawn by Applicant 31/01/2020

65384 - Two storey extension at rear, new front porch and alterations to windows to front elevation - Approve with Conditions 18/05/2020

65567 - Non material amendment following approval of application 65384 to have the new extension in line with the existing gable wall for stability and support; Re siting of ground floor window - Approve with Conditions 23/06/2020

65634 - Non material amendment following approval of planning permission 65384 - Move front porch over 677mm - Approve with Conditions 03/07/2020

66162 - Demolition of existing barn and erection of two storey building to form holiday let accommodation with garage - Refuse/Refused 26/08/2021

68189 - Erection of a part agricultural and part equestrian building for the storage of machinery and haylage and the housing of two horses. - Withdrawn by Applicant 27/04/2023

Publicity

Neighbour letters 06/09/2023

Site notice 21/09/2023
Press notice 14/09/2023

No representations received.

Statutory/Non-Statutory Consultations

Traffic and Public Rights of Way - Conditions requested in relation to the submission of a construction traffic management plan and implementation of access and parking arrangements.

Environmental Health - Contaminated Land - no response

Borough Engineer - Drainage Section - no response

United Utilities (Water and waste) - The proposed development is located within 'Jumbles' drinking water catchment which is a designated Safeguard Zone. Further information to confirm the drainage solution is required prior to commencement.

The Coal Authority - do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and we do not object to this planning application.

Minerals and Waste - Due to the nature of this development, we have no comments to make in respect of the GM Joint Minerals Plan.

Pre-start Conditions - Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4/5	Agricultural Development
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
MW1/1	Areas of Search
EN1/1	Visual Amenity
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
HT6/2	Pedestrian/Vehicular Conflict
EN1/2	Townscape and Built Design
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN5/1	New Development and Flood Risk
RT3/3	Access to the Countryside

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.

Principle (Green Belt)

Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; 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; and limited infilling in existing villages as set out under Policy OL1/3.

The use of the proposed building is for agricultural purposes. It is important to note that the NPPF does not set specific limits for the scale of such a building and as such the proposal would fall under one of the exceptions listed above. As confirmed by appeal decision APP/T4210/W/18/3202305 the effects of an agricultural buildings on the openness of the Green Belt are not relevant in considering whether they are inappropriate. Therefore, for the purposes of the NPPF and the UDP the proposed building is not inappropriate development within the Green Belt.

Layout and Design

UDP Policy OL4/5 seeks to ensure that new buildings would be sympathetic to their surroundings and blend satisfactorily with the wider area in terms of their design and, height and materials.

EN9/1 - Special landscape Areas - Development will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping would be expected and unduly obtrusive development will not be permitted in such areas.

EN1/1 - Visual Amenity - Development should not be permitted where proposals would have a detrimental effect on the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Area or the river valleys.

SPD8 - New Buildings and Associated Development in the Green Belt provides additional advice and guidance, particularly with reference to siting, design, scale and form of a development.

In terms of the siting of the building, it would be sited to the rear of an existing agricultural building which would be visible from Watling Street. The building would be sited fairly centrally on land in the applicant's ownership and would be away from shared neighbouring boundaries.

The concrete panels would ensure the building would be watertight at ground floor level from rain and surface water run off from the land, and is not an uncommon material used for these types of buildings, particularly for the purposes of storing machinery and hay which need to be kept dry. Similarly Yorkshire boarding is advocated as a material appropriate for agricultural buildings and would sit within the surrounding landform less obtrusively than other types of material. A door would be fitted to the front elevation of the building, to enable the machinery to be stored.

As such, it is considered that by virtue of the scale, size and massing, together with the materials proposed for the building, the proposed development would be of a type typical for an agricultural unit found in a rural farming location and would not have a significantly detrimental impact on the character of the Green Belt or Special Landscape Area.

The development is therefore considered to be acceptable and would comply with EN1/1, EN9/1, OL4/5, SPD 8 and the principles of the NPPF.

Access

The proposed building would be accessed from Watling Street via an existing access that is already used to access the existing storage building. There would be adequate space to the front of the proposed building for parking, and turning within the site. The Traffic Section have been consulted as part of the application and have raised no objections to the proposal.

Footpath 13TOT runs along the northern edge of the site. No objection have been raised to the siting of the proposed building in relation to this footpath, and an informative will be added in relation to this public right of way.

Amenity

The proposed building would be located approximately 7 metres from the gable of 110 Watling Street, which is under the applicant's ownership. Given the proposed storage useage, and the ownership of this residential property this is considered to be acceptable.

The nearest residential properties outside of the applicant's ownership (Bradshaw Head Farm and Farnworth Hall Farm) would be located approximately 95-160 metres away and as such no residential amenity issues are foreseen.

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 decision relates to drawings numbered Site Location Plan and C 237 -2 Ref F and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall be:

Box profile/fibre cement roof sheets colour grey;
Concrete panels colour grey;
Yorkshire boarding cladding - brown/grey treated timber
Doors - grey

Only the approved materials shall be used for the construction of the development.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local

Planning Authority and shall confirm/provide the following:

- Photographic dilapidation survey of the adopted highway abutting the site in the event that subsequent remedial works are required following construction of the development;
- Access point for construction traffic from the adopted highway;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic signage in the vicinity of the site and its access and measures to protect users of Public Footpath No. 13, Tottington, that crosses the site;
- Parking on site (or on land under the applicant's control) of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 5 The access and parking arrangements and turning facilities indicated on approved plan reference C 237 - 2 Revision F shall be provided to the satisfaction of the Local Planning Authority and thereafter maintained.

Reason. To ensure good highway design, adequate off street car parking provision and to minimise the standing and turning movements of vehicles on the highway, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

- 6 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent

replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	20/10/2023		