

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 17/10/2024	Ref: 71033/FUL
Registration: 28/08/2024	LDfC: 20/09/2024	Expiry Date: 23/10/2024
Site Visit:	Site Notice: 12/09/2024	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Continuation of the use of 3 no. containers associated with the retail sale and manufacturing of ice cream (Classes E(b) & B2) for a temporary period of three years

Location: Higher Woodhill Farm, Woodhill Road, Bury, BL8 1BS

Description

The application relates to a farm, Higher Woodhill farm on the west side of Woodhill Road. The site is within the Green Belt and a designated Landscape Character Area, River Valley and Wildlife Corridor. The complex of farm buildings are grouped together around which are concrete hardstandings which serve as the yard and servicing areas to the buildings and a hardcore surface which had been in situ for more than 15 years to facilitate an access to the rear of the agricultural buildings.

To the south of the site and in the applicant's ownership is an open field beyond which is residential development which extends rounds to the west and the north western perimeter of the field.

The traditional markets for agricultural commodities and products, changes in farming practices, competition from supermarket retailers and withdraw of the UK from the EU have all caused negative impacts on many farming businesses including Higher Woodhill Farm.

To ensure continued viability, the farm has concentrated its business into dairy farming and has expanded its herd and facilities to diversify into the manufacturing and sales of dairy ice cream. Planning permission was granted for a temporary period for 3 years to provide 3 containers for the production and retail sales of the product at the farm.

The ice cream business has continued to flourish and the applicant is therefore seeking another 3 years to continue the manufacture and retail sales enterprise which is the subject of this application.

The containers are located close to the cluster of the other farm buildings near the existing accesses into the farm and yard areas. The total floor area is 45 sqm and the buildings up to 3.2m in height with vertical timber cladded elevations and a profiled aluminium roof. Extending from the roof of the containers is a canopy which provides a sheltered area for customers with some seating.

To note.

Due to the continued success of the ice cream business and to also secure the farm's viable future, the applicant proposes a more permanent solution from which to run the ice cream business but also expand to provide additional facilities of a cafe and kiosk and classrooms and animal pens to open up the farm for educational purposes and school trips. The application has been submitted (20/9/24, planning reference 71118) and is currently under review.

Relevant Planning History

54048 - Demolition of existing poultry shed and erection of new livestock building together with outside yard/feeding area incorporating below ground slurry storage - 2011

60960 - Demolition of existing poultry shed and agricultural building - 6/2/2017

66859 - Temporary change of use for a period of three years from agricultural use to retail sale and manufacturing of ice cream with the provision of 3 no. containers - 6/8/21

71118 - Change of use and extension of agricultural building to a cafe, classrooms, animal pens, kiosk and outdoor seating area with associated parking - current application

Publicity

Letter sent to Calrows farm 29/8/24.

Site notice posted 12/9/24.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Environmental Health - Commercial Section - No response received

Environmental Health - Pollution Control - No comments to make

Waste Management - No response received.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF National Planning Policy Framework

OL5/2 Development in River Valleys

EN6/4 Wildlife Links and Corridors

EN1/2 Townscape and Built Design

EC4/1 Small Businesses

OL1/2 New Buildings in the Green Belt

OL4/4 Agricultural Diversification

HT2/4 Car Parking and New Development

GMMWP Greater Manchester Minerals and Waste Plan

JP-C2 Digital Connectivity

JP-C5 Streets For All

JP-C6 Walking and Cycling

JP-C8 Transport Requirements of New Development

JP-G1 Landscape Character

JP-G9 The Green Belt

JP-S2 Carbon and Energy

SPD11 Parking Standards in Bury

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - Use

Chapter 6 of the NPPF supports a prosperous rural economy and at para 88 states that planning policies and design should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

EC4/1 - Small Businesses states that proposals will be acceptable where the scale of development is appropriate to and the use environmentally compatible with the surrounding area in which it is to be located.

OL4/4 - Agricultural Diversification - Encourages a viable rural economy by supporting farm diversification enterprises which respect the quality of the built and natural environment. Development proposals should seek to conserve and enhance the landscape character and nature conservation value of the countryside.

The proposal would allow the existing farm business to continue to diversify the farm business to assist with the ongoing viability and maintenance of the farming enterprise. The ice cream business is a sustainable operation in that the milk and eggs used are produced, manufactured and retailed from the farm.

It is therefore considered that the principle of the use for an additional 3 years would be acceptable and as such would comply with policies EC4/1, OL4/4 and the principles of the NPPF.

Principle - Green Belt

The containers are located within a cluster of existing buildings on existing concrete hardstanding. The containers are connected together with timber clad elevations and are no higher than the adjacent agricultural building and are of a temporary nature and could be removed at any time. As such it is considered the built development would not have an impact on the openness of the Green Belt.

The use is connected to the dairy farming business and would be considered an appropriate business to support the viability of the existing farming business which would not be detrimental to the character of the Green Belt.

The proposal does not prejudice the overall aims of the Green Belt or conflict with the 5 purposes of Green Belt.

It is therefore considered that given the siting, appearance and location of the development and its use in connection with an existing agricultural business, the proposed development would not harm the openness of the Green Belt and would be appropriate development and compliant with the principles of the NPPF.

Impact on residential amenity

The nearest residential property is Calrows Farm which is more than 55m away from the ice cream facility, parking area and the access to it and is screened by other farm buildings. As such, it is considered impacts on this neighbour are considered not to be significant.

Other houses are over 100m away to the north and south and due to the scale and siting of the development it is considered there would be no detrimental impacts.

There is no record of any complaints received about the operations of the ice cream business and no ongoing issues with it continuing to function on the site.

As such it is considered the proposed development would be acceptable and comply with EC4/1, EN1/2 and OL4/4.

Highways

There are three existing accesses into the site off Woodhill Road, one to the north which serves a large part of the working dairy farm, one directly in front of the ice cream operation and sales area which is used by pedestrians during opening hours and one located to the south of the site which is used as the customer vehicular access leading to the parking area.

There are 3 parking spaces located to the side of the building but trade tends to be passing by those visiting Burrs Country Park and as such it is likely that trips to the site would be transient and short. In terms of parking, the proposed site plans shows there are 3 parking spaces although there is a larger area of hardstanding to the south of the site where customers can also park. There is also trade from customers arriving on foot as they pass through the area, the majority of whom travel on to visit Burrs.

The ice cream business has been in operation for 3 years and there is no record of

complaints with regards to the use, siting or access and parking issues.
No objections have been received from members of the public and the Highway Authority have raised no concerns about the continuation of the use for another 3 years.

It is therefore considered the proposed development would be acceptable and comply with EC4/1, OL4/4, HT2/4 and JP-C4 and JP-C5.

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 Permission is hereby granted for a limited period only, namely for a period expiring 3 years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition.
Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to the principles of the National Planning Policy Framework and Bury Development Plans listed.
- 2 This decision relates to drawings numbered -
Location plan dated 07 April 2021, Proposed plans and elevation JE2-01; Existing block plan JE2-02A; Proposed block plan JE2-03A
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 and Places for Everyone Joint Development Plan listed.
- 3 The use hereby permitted shall not be open to customers outside the following times: 08.00 to 18:00 daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EC4/1 - Small Businesses and EN1/2 - Townscape and Built Design of the Bury Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	17/10/24	DM	17/10/2024