

DELEGATED REPORT

Report by Claire Booth	Date of report: 23/05/2023	Ref: 69402/FUL
Registration: 28/03/2023	LDFC: 18/04/2023	Expiry Date: 23/05/2023
Site Visit: 04/04/2023	Site Notice: N/A	Press Date: N/A
15:00:00		
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Replacement of existing shed with agricultural storage building

Location: Holcombe Hey Fold, Hawkshaw Lane, Tottington, Bury, BL8 4LD

Description

The application site is located at the top end of North-End of Hawkshaw Lane where the lane splits east and west, on the eastern lane, at the far end of the lane. The application site abuts Holcomb Rifle Range.

The application relates to a mono-pitched green coloured tin clad telegraph building located to the south-east of the principal elevation of the farmhouse on lower land. Planning permission seeks to replace this building with a steel framed portal framed building measuring approximately 12.2m in length by 12.2m in width. It would have an eaves height of approximately 3.7m and a ridge height of approximately 5.5m. It would have vertical timber cladding to the walls, and proposes a Goosewing Grey coloured roof. Permission is also sought for an array of solar panels on the front, south facing, roof slope.

Hawkshaw Lane is a rural single lane. It is a definitive Public Right of Way (no.6 RAM) which a number of farms and country houses are accessed from. PROW no. 3 runs from Hawkshaw Lane along the access track to the application site, up along the area between the farmhouse and a traditional converted barn, called 'The Barn'.

The farmhouse and land on which the building forms part of is located within the West Pennine Moors area, a Special Landscape Area and on land allocated as Green Belt, as allocated within the adopted Unitary Development Plan.

Relevant Planning History

50215 - Certificate of Lawfulness for an existing shed used for the storage of Tractor and housing for water pump and filtration system - Lawful Development, 30/07/2008.

49480 - Retrospective application for shed for storage of agricultural equipment and tractor, fresh water pumping and filtration equipment, and wood storing - Refused, 02/05/2008.

Publicity

The two nearest residents, who live along the same part of the lane as the application site were formally consulted by letter.

Due to the application site being accessed from a lane, which is also a Public Right of Way, a site notice was also erected at the top of Hawkshaw Lane where the lane splits left and right.

No representations have been received to this public consultation.

Statutory/Non-Statutory Consultations

Not applicable.

Pre-start Conditions - Not applicable

Unitary Development Plan and Policies

EN1/1	Visual Amenity
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
OL4/5	Agricultural Development
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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 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).

The site falls within the Greater Manchester Green Belt. 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 openness thereafter.

The proposal would therefore constitute appropriate development and comply with the principles of the NPPF and UDP Policy OL1/2.

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 mono-pitched building, that is located on lower land than the farmhouse, and replace it with a slightly larger more modern building. The proposed replacement building is of a modest scale and height and would be finished in typical materials. It would be positioned relatively close to the boundary of the application site with Holcombe Rifle Range, in a natural, but minor, dip in the land, before it rises to a field boundary marked by a traditional stone wall to the east. Further mitigating the potential visual impacts from close range. Due to the undulating land in the locality, and natural landscape features such as stone walls and field trees, the building would not appear highly visible in the landscape when viewing the site from either the north, east, south or west. 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. The light coloured roof would however, unnecessarily highlight the building within the landscape. This can be controlled by planning condition securing an Anthracite Grey or Slate Blue roof for the building.

Given the circumstances, subject to a darker roof colour, the proposal would not have any unacceptable impacts upon visual amenity or landscape character of the area or the designated landscapes and would therefore be compliant with the above policies and SPD8.

Residential amenity

The nearest unassociated dwelling would be the traditional stone barn, converted to a residential property, known as 'The Barn', which is positioned to the west of the Farmhouse. The building would be sited approximately 45m from the south-west corner of this neighbouring property from the site and do not have views directly over the site due to their position and orientation.

The building is to be used for agricultural storage and therefore no odour issues would arise from this use and the use of the building for agricultural storage purposes would be unlikely to be significant and certainly not demonstrably worse than the uses of the existing building.

As such, it is considered that there would not be a detrimental impact on the amenity at nearest neighbouring properties and the proposed development would comply 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.

Conclusion

The proposed building would not have any unacceptable impacts on the openness of the Green Belt, upon visual amenity, landscape character, residential amenity and highway safety. Given this, the proposal would be compliant with the above stated policies, SPD8 and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits 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 & Country Planning Act 1990.

- 2 This permission relates to the following plans:

Drawing ref. Location and Proposed Site Plan, revised 28/03/2023
Drawing ref. Proposed Plan/ Elevations

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 Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, the roof of the building shall be clad with either Antracite Grey, or Slate Blue coloured roofing sheets.

Reason: To ensure the use of sympathetic materials in the interests of visual amenity and landscape character, in accordance with Policies EN9/1 - Special Landscape Areas, OL7/2 - West Pennine Moors, and ENV1 - Visual Amenity of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 The drainage for the development hereby approved must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). The drainage scheme shall be implemented prior to first occupation and thereafter maintained.

DELEGATED REPORT

Reason. To promote sustainable development and reduce flood risk 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.

- 5 The occupation of the proposed building shall be limited to storage uses associated with agriculture, as defined in Section 336 of the Town and Country Planning Act 1990 (as amended).

Reason. To ensure that future inappropriate development in the Green Belt does not occur and in the interests of the amenity of neighbouring non-associated dwellings, pursuant to Policies OL1/2 - New Buildings in the Green Belt, EN7/1 - Atmospheric Pollution, EN7/2 - Noise Pollution of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 23/05/2023		HL	23/05/23