

Statement of Case

Planning Application: 70163

Proposal: Prior approval for proposed agricultural building

Location: Land to the south of the former Ainsworth Nursing Home BL2 5PX

Eligibility

Bury MBC have confirmed that the required criteria for permitted development of an agricultural building have been met.

Alterations to the original application

Following comments and suggestions received, the barn has been turned through 90 degrees so it will be sighted parallel to the nursing home drive. It has been moved further to the south so it is 22m from the closest wall of the bungalow. And reduced in size, the width is 9m (from 11m).

Objections and Rebuttals

1. Loss of privacy. *Only temporary whilst construction is taking place, even then will be in daylight hours. Obviously in summer harvest time there will be increased presence whilst the bales are stored in the barn. No increase in number of bales made so similar number of journeys by farm machinery.*
2. Loss of Light. *The barn will be more than 22m from the nearest building so no loss anticipated.*
3. Flooding. *Proposed site does get waterlogged at times in the winter but has never flooded.*
4. Septic pipes run underneath where barn is to be placed. *This is incorrect, surface drain pipes run through the field at a depth of 2m but are nowhere near the proposed site.*
5. Site is a heritage site. *Barn would have no impact as confirmed in the Delegated Officer's report (Assessment and siting paragraphs)*
6. Will eventually be developed into housing. *This is for growing and increasing efficiency of the farm business.*
7. Sited to the front of an NDHA. *See 5 above*
8. Other locations within farmland or next to farmers dwelling more suitable. *Flooding and thefts make alternative location unviable.*
9. Increased traffic. *Minimal increase as farm vehicles already uses the farm gate crossing. Substantially more traffic journeys as a result of the nursing home development*
10. TPO trees. *The site is nowhere near the TPO trees.*
11. Out of scale/proportion. *Delegated Officer's report says it is acceptable and appropriate.*
12. Poor design and materials. *See 11 above*
13. Design is contemporary and does not match the heritage site. *See 11 above*
14. Fire risk. *Only very dry hay and haymaking machinery will be stored in the barn. No electricity. Extremely low risk..*
15. Fuel could leak into the stream. *No fuel or machinery with engines will be stored in the barn so no increase in risk over current operations.*
16. Good that it has been turned through 90 degrees but would still act as a significant visual obstruction. *Any new building will be a visual obstruction but siting will allow the barn to blend in with other buildings.*

17. Open sided barn is likely to attract nefarious activities. *Evil/villainous! I think we can ignore this one.*
18. Yard could become unsightly. *Unlikely as current buildings kept tidy.*
19. Other planning on the nursing home has been refused as it didn't match the heritage. *No relevance to this application.*

Council's reasons for refusal (from the decision letter)

The proposed development by virtue of its **siting, design and appearance** would result in a large and imposing building within **close proximity to residential properties** to the north and therefore **significantly harm the residential and visual amenity of the adjacent dwellings**, with **potential unacceptable noise and disturbance** from activities undertaken within and around the agricultural building. The proposed development is therefore considered contrary to Bury Unitary Development Plan Policies EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt, OL4/5 - Agricultural Development, OL7/2 - West Pennine Moors. and SPD8 and the principles of the NPPF.

Siting, design and appearance

The Delegated Officer's report under the heading 'Assessment- Siting, design and appearance' states that the design is acceptable, the appearance is appropriate and the siting is acceptable in this location in respect of UDP Policies EN9/1, OL1/2 and SPD8. Rather confusingly the same report under the heading 'Siting and impact on public amenity' contradicts the previous paragraph by stating it is now considered contrary to UDP policies EN9/1, OL1/2 and SPD8, and additionally OL4/5, OL7/2 and the principles of the NPPF.

Close proximity to residential properties

To date three properties, at the former nursing home, have been converted to residential use and are occupied. The closest is the bungalow which is 22m from the proposed barn. It is 6.4m high. The barn will be 6.5m in height but ground level will be 1.2m below the ground level of the bungalow. The ridge height of the barn will therefore be over 1m below that of the bungalow. The wash house is 53m to the north west of the bungalow so over 70m from the barn. The other property, which is 50m from the barn, lies to the north east of the bungalow which would mask most of it from the barn.

Significantly harm the residential and visual amenity of the adjacent dwellings

The bungalow is the only property that could possibly be harmed by the siting of the barn. Due to the distances involved the other two properties will suffer no visual or residential harm. The gable end of the bungalow will be in line with the gable end of the barn but this is not the main aspect of the bungalow (see photo 1). All the living rooms face east (see photo 2) and these views will be unaffected (see photo 3). Prior to change of use and development of the bungalow, the southern boundary of the former nursing home had a row of trees and garden fence which screened the building from view (see photo 4). Since development, the garden has been extended into the green belt, trees and garden fence removed and replaced with non native hedging plants which fail to screen the building (see photo 5). I have offered to replace the screening trees with native varieties.

Potential unacceptable noise and disturbance

The council have not requested any additional details in respect of farming activities around the barn. As described in the application the barn will be for the storage of 350 bales of hay and agricultural equipment. At present these bales are transported from the fields through the field gates and across the nursing home drive next to the bungalow, then onward to the farm yard, wrapped in plastic and stacked outside. This involves 120 journeys either way over a 2 month period in the summer. With the new barn sited in the proposed position the 350 bales would still take 120 journeys and move as before; from the fields, across the nursing home drive next to the bungalow, but then be stacked into the barn unwrapped. This will result in eliminating the use of plastic wrap, and save both fuel and time because the distance to carry the bales would be much shorter. Once all bales are stacked, the haymaking equipment would be put into the barn where it would stay until the following summer. In the winter months the bales would be moved from the barn 12 bales at a time. This would involve the tractor and the pickup with trailer and would take around 60 minutes per week in daylight hours. No other activities with the tractor would be necessary.

Noise and disturbance from building development at the former nursing home

A total of seven planning application sites are or have been active and are in varying states of progress. Three have been completed and are occupied, one has building work ongoing, one has plans approved for a new build but yet to start construction and two are in the planning stages. The final number of domestic properties will range between seven and ten. Disruption and noise from the ongoing building works have so far taken over three years, due to unknown state of current planning applications this disruption will be ongoing for the foreseeable future. Once the residential properties are occupied annual car journeys from the site will be between 10,200 and 14,600 (based on seven and ten occupied properties, each property having two cars, two journeys per day).

Council's preferred location

Following the site visit by the planning officer an alternative position which the council would support was forwarded by email (see attached council's preferred location map). This new site would be approximately halfway between the former nursing home and the Knowsley road cottages. This site is problematic for a number of reasons; Extensive works would be needed to reach the building making it prohibitively expensive to construct. It would lead to the loss of very productive farmland. It would be in a very obtrusive and isolated position on the skyline making it visible from all public footpaths.

Relevant UDP Policies not fully considered

OL4: The Council will seek to protect both farming activities and the best and most versatile agricultural land in the Borough.

OL4/2: Protection of Farm Holdings. The Council will not permit development which would result in the fragmentation or severing of viable farm holdings.

OL6/1: New Uses and Development of the Countryside. The Council will consider favourably those proposals for new uses and development in the countryside which will benefit the environment and the community as a whole. In assessing proposals

particular regard will be given to their effect on the following: landscape character and diversity; nature conservation; agricultural land and holdings; recreational value. **SPD8 para 5.3:** In the case of farms, subject to the operational needs of a farm, the impact of a new building can be reduced by siting it close to existing development. By utilising existing walls and accesses, costs may well be reduced.

Summary

The refusal letter states that several residential properties will be affected by the siting of the barn. This is incorrect, only the nearest property, the bungalow, will be minimally affected. This has been mitigated by modifying the original application after submission in response to requests from the resident and the council. The revised plan moved the barn further away from the bungalow, turned it through 90 degrees and reduced the size.

Actions taken, by the owner, to remove and not replace the trees screening the bungalow during its development, have not helped the perceived loss of visual amenity. The bungalow would still enjoy uninterrupted countryside views from the main aspect across the farmland to the south east.

Whilst the barn will have some impact on residential amenity due to a negligible increase in farm traffic activities in the winter months, this will be dwarfed by the building works and considerable increase in domestic traffic generated by the development of the former nursing home.

The purpose of this agricultural building is to enable the farmer to securely carry out farming activities in an efficient and productive manner and as a result lower the carbon footprint. Due to their intended use they are large and imposing and stark in design but this is a standard steel portal structure common to rural areas across the country. Most of the UDP Policies referenced by the council to refuse this application actually permit this type of development. So much so that the council have recommended an alternative site for the same building 43m to the south that they will fully support. Unfortunately this is unviable economically and would be a waste of productive farmland.

Phrases used to refuse the application include; close proximity, significant harm and potentially unacceptable. The exact meanings have not been quantified by either the refusal letter or delegated officer's report and thus are open to individual interpretation which can lead inconsistent decisions being made. To compound matters in this case other relevant UDP policies that support agricultural development have not been considered.

For these reasons and the arguments made throughout this appeal, I would respectfully request that the decision made by the council to refuse is overturned and that this appeal is granted.

Stuart Alderson

Appeal attachments

1. Council's preferred location map
2. SPD8 New buildings in the green belt
3. Delegated officer report
4. UDP part 2 chapter 6 Environment
5. UDP part 2 chapter 7 Open land
6. Photo 1 – Bungalow gable end viewed from the south
7. Photo 2 – Bungalow main aspect viewed from the east
8. Photo 3 – Bungalow views from the main aspect
9. Photo 4 – Southern boundary of former nursing home prior to development
10. Photo 5 – Southern boundary after development