

21 August 2024

File Ref: Ent/508/3569/FP
Your Ref: 71033

The Director of Planning and Development Control
Bury Metropolitan Borough Council
The Planning Service
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Dear Sir

RE: Planning Application to allow the continued use of the containers for a period of three years for use associated with retail sale and manufacturing of ice cream as per application reference 66859.

This statement is presented in support of a Planning Application, submitted by Jason Entwistle, of Mrs M Entwistle and Sons, of Higher Woodhill Farm, Woodhill Road, Bury, Lancashire. BL8 1BS, who is seeking Planning Consent to allow the continued use of the containers for a period of three years for use associated with retail sale and manufacturing of ice cream as per application reference 66859. This application was approved under application reference 66859 on 6 August 2021 and we are now seeking to extend this permission for a further three years.

The application seeks to maximise the opportunities presented by the location of the farm, and to alleviate some of the business pressures that have arisen due to the Coronavirus pandemic, and the disruption to markets for agricultural produce. Please see enclosed statement submitted with the previous application.

Over the last three years, the sale of the ice cream has proved to be extremely successful and has, as anticipated, maximized the value of the milk produced by the Jersey cows at Higher Woodhill Farm. The demand for the ice cream is very high and the ever increasing demand has now led to the business proposing to move the current set up into a more permanent location on the farm and this application is with the Council but as of yet has not been given an application reference number. The current set up in the existing containers do not and cannot offer all of the products and services that the customers would like from the Jersey Girls Dairy Ice Cream business.

The NPPF makes it clear that its very purpose is to contribute to sustainable development (*para. 7-10*). In terms of determining applications this means that applications that accord with an up-to-date development plan should be considered favourably and approved without delay. If the localised development plan is not up-to-date or there are no relevant policies then applications should also be approved unless they go against policies outlined within the NPPF that seek to protect individual assets or they go against the policies within the NPPF on the whole.

Paragraph 11 says that proposals that accord with the development plan should be approved without delay. It states:

*Plans and decisions should apply a **presumption in favour of sustainable development**.*

*For **decision-taking** this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Paragraph 11 - 14 of the NPPF highlight the presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory powers of the Development Plan as a starting point for decision making and therefore proposed development which accords with an up-to-date Development Plan should be approved unless other material considerations indicate the Plan should not be followed.

A prosperous rural economy is focused on as an element of Chapter 6. Guidelines for local authorities are outlined. It is indicated in paragraph 88 that planning policies and decisions 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.*

Paragraph 89 recognises that these sites which meet local business and community needs may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport.

Section 13 of the NPPF details the importance that Government attach to the protection of Green Belts against inappropriate development and prohibits development which may be harmful to them. However, Section 13 contains circumstances and exceptions to this strict policy. Paragraph 154 notes exceptions.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

buildings for agriculture and forestry;

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;

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;

the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

limited infilling in villages;

limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

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.

The development proposed directly meets the exception contained within sub-clause a) and c).

Section 15 of the NPPF highlights the Government's commitment to "Conserving and enhancing the natural environment" and paragraph 180 states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

The intention of the policies contained within Section 15 seeks to protect landscapes, biodiversity and local ecology against the undesirable effects of inappropriate development.

The containers are intended to provide for a manufacturing and marketing facility that is directly connected with an existing and established use. The ice cream will be manufactured using milk and eggs produced upon the premises at Higher Woodhill Farm and retailed directly from the premises. The ice cream is, therefore, a product wholly sourced, made and sold as an ancillary process to the main farm activity.

The temporary siting of the containers does not, by virtue of their intended location and portability, prejudice the openness or purposes of the Green Belt. They can be considered as according with the intentions of the policy by assisting to maintain the ongoing viability of the farm, thereby securing the continuing profitability of the rural business operating from the premises.

The site at Higher Woodhill Farm is identified within the Adopted Local Development Plan as being located within the Green Belt, and subject to the appropriate policies.

Objective 4 notes the intention; *“To protect good quality agricultural land and maintain a viable rural economy”* and states a commitment to *“The support of farm diversification, where there are overriding economic reasons to allow alternatives which will not be detrimental to the use of land”*

Policy OL4/4 expresses an intention to *“encourage a viable rural economy by supporting farm diversification enterprises which respect the quality of the built and natural environment”*.

The policy further notes that *“To help sustain the rural economy there may be a need to continue and expand the process of diversification on and off farms, and to do so whilst still conserving that which is of value in the countryside.”*

The proposal as submitted will not be detrimental to the use of land, as the containers are to be sited within the cluster of existing farm buildings, are to be located upon an existing concrete hard standing within an existing yard area and are lower in height than the surrounding buildings. They will not interfere with ongoing farming operations.

The cladding with wooden fasciae will ensure that they do not look incongruous when viewed alongside the existing farm buildings.

Allowing the continued temporary siting of the containers will allow the existing business to continue operating successfully and allow the applicants more time to establish the business before moving the business into a more permanent building.

The development will not prejudice the overall aims of the Green Belt, and will not be imposing, nor represent intrusive development.

We trust the Council has all of the necessary information to determine the application however if you require any additional information, please let us know.

Kind Regards

Yours sincerely

Fiona

Fiona Patterson