

PLANNING STATEMENT

**CHANGE OF USE AND EXTENSION OF
AGRICULTURAL BUILDING TO PROVIDE A
CAFE, TOILETS, KITCHEN, OFFICE, CLASS
ROOMS AND ANIMAL PENS TOGETHER WITH
A KIOSK AND DISPLAY AND OUTDOOR
SEATING AREA. CHANGE OF USE OF EXISTING
HARD STANDING YARD AREA TO CAR
PARKING. PARTLY RETROSPECTIVE.**

AT

**HIGHER WOODHILL FARM, WOODHILL
ROAD, BURY, BL8 1BS.**

FOR AND ON BEHALF OF:

MR J ENTWISTLE

Prepared by: Fiona Patterson BSc Hons MRICS FAAV
Our client: Mr J Entwistle
Our ref: Ent.508.3556.FP
Date: August 2024

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1. INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 Gary Hoerty Associates has been instructed by Mr J Entwistle to prepare and submit a planning application, seeking consent on their behalf for the change of use and extension of an agricultural building to provide a cafe, toilets, kitchen, office, two class rooms and animal pens together with a kiosk and display and outdoor seating area partly retrospective. Change of use of existing hard standing yard area to car parking at Higher Woodhill Farm, Woodhill Road, Bury, BL8 1BS.
- 1.2 Higher Woodhill Farm has been occupied by the Entwistle family for many years. Historically, it has been operated as a poultry farm, rearing broiler chickens for sale to wholesalers within the North West region but, due to the advancement and upgrading of Farm and Animal welfare standards, the former poultry rearing buildings became unviable and uncompliant with current standards of food production without being improved through major capital expenditure, so the poultry rearing business activities have been re-located to a newly constructed farm complex within the North West, whilst still being operated by the Entwistle family.
- 1.3 The proximity of residential dwellings at the application site has acted as a limiting factor for poultry production, as any new poultry buildings would have needed to be larger, to render them economically viable and therefore, by virtue of their size, they would be incompatible with the small and condensed nature of the site at Higher Woodhill. The associated emissions from the poultry units could have presented the potential for conflict with the amenity of local residents.
- 1.4 To replace the former poultry rearing business, the family developed a dairy farming enterprise, utilising a herd of pedigree Jersey cattle, producing high quality Channel Island milk for the wholesale markets. The Entwistle's business is a primary supplier under contract of high cream milk to the well-known and nationally recognised Longley Farm Dairy product manufacturers from Holmfirth.
- 1.5 The traditional markets for agricultural commodities and products have been subject to extreme volatility in recent times, due to the pressures exerted by the dominance of the supermarket retailers within British food production together with a number of other factors not within our clients control.
- 1.6 The pressure from the Supermarkets has driven a downward trend in the price of agricultural produce, as the retailers seek to gain competitive price advantages, resulting in a reduction in farm gate prices, with the ongoing negative results upon the profit margins of farm businesses. Returns received by dairy farmers have, at sometimes, been below the cost of production, endangering long term farm viability.
- 1.7 The withdrawal of the United Kingdom from the European Community, and the Common Agricultural Policy, has equally had an initially negative effect upon

farm incomes due to the loss of the farm support payments, Basic Payment Scheme.

- 1.8 In 2021, the applicants were granted a temporary planning consent for the 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. This permission is due to expire shortly and our clients have therefore submitted a new application to extend this permission for a further three years. Full planning history is in section 4 below.
- 1.9 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 this application as 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.
- 1.10 Customers access the site on foot, bike, car or bus due to the site being easily accessible by different methods of transport
- 1.11 The farms diversification has enabled the applicant to continue dairy farming at Higher Woodhill Farm in a profitable way and to allow the farming business to continue at the application site.
- 1.12 Jersey Girls Dairy Ice Cream currently process the milk, manufacture the ice cream and sell it all from the existing containers on site. Together with this, they sell ancillary items such as tea, coffee, soft drinks, sandwiches, snacks etc. Due to the limited amount of space available to the applications within the containers and seating area available, it has become difficult for the applicants to offer the range of products that the customers want. The Great British weather also has a significant detrimental impact on our clients and the proposed development would allow the public to be indoors.
- 1.13 Due to the businesses continuing growth, the applicants have concerns over location of the existing containers being so close to the highway and the safety aspect of children being in the area where the picnic benches are located which is only a few metres away from the road. The applicants are proposing to relocate the sale point to the new kiosk as illustrated on the proposed floor plans submitted with this application which will be significantly safer and allow the queuing to be more structured and no children will be close to the Woodhill Road.
- 1.14 We will consider in this Planning Statement the proposed development in more detail by providing a review of the planning history of the site, outlining the development proposal, assessing the development site and reviewing the relevant planning policies and guidance, and then setting out why we believe the application conforms to both the National and Local Planning Policies and why we consider that the application should therefore be looked upon favourably.

2. THE APPLICATION SITE & SURROUNDINGS

- 2.1 The application site is sited in a position which is adjacent to established residential areas and it has roadside frontage along Woodhill Road. The farming business currently utilises the farmland along both sides of the road, owning the area immediately around the farmhouse and farm buildings, and renting the land across the road from Landlords, Bury MBC. The farm also has the use of additional local farmland in the Brandlesholme area.
- 2.2 The semi-urban setting generates both pressures and opportunities. The farm is, as previously noted, constrained in its ambitions to modernise, which inevitably requires larger buildings, by the proximity to housing and the needs to manage the potential conflicts with associated noise and emissions. But it also has the benefits of a large and local customer catchment, and the footfall and visitor numbers generated by visitors to the nearby Burrs Country Park.
- 2.3 Higher Woodhill Farm is located at the access point, along Woodhill Road, to the Burrs Country Park, a 36-hectare parkland site owned by Bury MBC. Since its establishment in the 1980's, the Burrs Country Park has become one of the principal tourist attractions in the Bury area, attracting visitors from the Bury area and from a wider catchment in the North West Region. The site is a popular location with residents from the Greater Manchester area, and is visited for the purposes of outdoor recreation and countryside activities. The Burrs site offering is also enhanced by the siting of a Caravan Park, operated by the Caravan and Camping Club, and the Bury Showground which hosts outdoor events. The East Lancashire Railway have also constructed and commissioned a station halt at the Burrs site, bringing in additional visitors.
- 2.4 In 2015, Bury MBC developed, after public consultation, a Burrs Country Park Strategy 2015 – 2029, which was published in June 2015. This strategy document anticipates the expansion of the Burrs Country Park and extends the park boundary to include land adjacent to Higher Woodhill. The Strategy seeks to expand the offering of the Burrs as a tourist destination, by enhancing the offer to visitors.
- 2.5 The Entwistle family engaged with Bury MBC in the development of the Strategy, attending meetings of the Burrs Strategic Development Group, and discussed with the Strategy Group, the potential to establish a Woodhill Farm Centre, as an attraction and diversified rural business, which was well received and considered to be an asset to the overall intentions of the Strategy.
- 2.6 The strategy anticipates circular footpath routes and cycleways, extending along the River Irwell banks, and subsequently passing immediately past Higher Woodhill Farm. This represents a huge opportunity to retail to the visitors and recreational users the farm produced ice cream. The local population have also increased the potential for passing trade at Higher Woodhill, as the residents take their outdoor recreational exercise. \the retail ice cream outlet has proved to have become the “destination” for casual walkers.

- 2.7 The existing agricultural building that the applicants propose to change the use of and extend at Higher Woodhill Farm is currently used to house livestock and a separate internal room recently boarded off being used as for the occasional children's party and a gathering area for educational visits to the farm. The container which forms part of the extension to the building is currently being used as a kitchen, food preparation and store and seating area. This area is for food being prepared for the childrens parties or educational visits.
- 2.8 The application site is located to the south western aspect of farm yard. The agricultural buildings to the north east of the site are predominantly utilized as livestock housing for the farm holding, accommodating dairy cattle and youngstock together with the dairy and parlour to milk the jersey cows.
- 2.9 The other existing farm buildings at Higher Woodhill Farm are of similar construction, with corrugated grey fibre cement roof sheets with opaque roof lights and timber cladding.
- 2.10 The existing yard area, forming part of the application site, is proposed for car parking is immediately adjacent to Woodhill Road. We do not propose to increase the area of hardstanding, only to change the use of the area to carparking.
- 2.11 The application site is located within the Green Belt area as defined upon the Bury Council Policies Map.
- 2.12 The application site is not crossed or adjacent to a Public Right of Way.

3. THE PROPOSED DEVELOPMENT

- 3.1 The proposed development seeks consent for the change of use and extension of an agricultural building to provide a cafe, toilets, kitchen, office, two classrooms and animal pens together with a kiosk and display and outdoor seating area. Change of use of existing hard standing yard area to car parking at Higher Woodhill Farm, Woodhill Road, Bury, BL8 1BS.
- 3.2 The existing building is of a timber portal frame construction clad in timber boarding and grey fibre cement roof sheets and measures 31.99m x 18.487m. The proposal to change the use of the building will not alter the external appearance of the building significantly, the changes will include the insertion of some new window and door openings and the increase in roof height on the easterly elevation of the building as illustrated on the proposed plans and elevations submitted with this application. This will allow enough head height between the cafe and kitchen/kiosk/fridge area so that staff can access all areas.
- 3.3 The new window openings are required to allow enough day light into the building and to provide sufficient escape routes in order for the proposal to comply with building regulations. The door openings are required so that the classrooms can be accessed without having to walk through the café and the door openings proposed on the southerly elevation are required to access the café. In terms of the new openings, there is only one new door opening on the easterly

elevation accessing the classrooms and two new window openings on the easterly elevation to allow day light into the classroom 2.

- 3.4 Attached to the building is a shipping container also clad in timber sheets measuring 3.6m x 10.36m. It is proposed to locate the kitchen/ food store, walk in fridge, ice cream and coffee kiosk and display and storage in this new building as illustrated on the proposed plans and elevations submitted with this application. The proposed new building, being the clad shipping container, is partly retrospective as the container was situated on site in approximately 2022 when it was originally thought by the applicants that the siting of the container would only be a temporary measure and the container would be removed in time. However, as a result of the increasing demand, the applicants require this additional space and propose to incorporate this space together with the existing building and join the spaces together which is why a slight increase in the roof height is required as explained above.
- 3.5 As explained in Section 1 of this statement, the existing business operated from Higher Woodhill Farm is proving to be extremely successful. The applicants are therefore proposing to extend their existing business to provide an indoor and outdoor seated area serving a range of hot and cold foods. In addition to serving a more varied range of food, the applicants will be offering educational visits to local schools and nurseries in the two class rooms illustrated on the floor plans submitted with this application. The children will then have the opportunity to look at the animals in the pens show in the north of the building.
- 3.6 It is proposed that members of the public wanting only to order ice creams/ coffees from the kiosk will queue along the dedicated queuing area for safety purposes and there is a porch area to stand in case of bad weather. The customers wanting to eat in the café will enter through the south elevation. Children attending will enter through the queuing area and on east elevation. We consider this will improve the safety of the site significantly.
- 3.7 The proposal as submitted should not represent an inappropriate visual intrusion into the surrounding area. The use of design, materials and material colours which reflect those incorporated within the existing buildings at the premises minimize any perceived visual intrusion.
- 3.8 The proposed development will enable the existing business to continue operating together with expanding at the same time. It is intended that the change of use of the existing building will enable the business to continue to thrive through providing an undercover seating area and more a diverse range of products including hot and cold food in a permanent location. The change of use will also allow the business to provide a space for children from the local community to visit. The extension of the business will also provide a number of jobs to the local community.

4 THE SITE PLANNING HISTORY

- 4.1 There have been a number planning applications made at the application site which are relevant to this proposal, which are referenced below.
- 4.2 Planning Application 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. The application was approved on 6 August 2021.
- 4.3 Planning Application 60960 . Demolition of existing poultry shed and erection of agricultural livestock building. This application was approved on the 06 February 2017.
- 4.4 Planning Application 60831. Extension to two existing agricultural buildings. This application was approved on the 06 February 2017.
- 4.5 Planning Application 54047. Prior notification of proposed agricultural building. The local authority confirmed prior approval was not required on the 01 July 2011.

5 PLANNING POLICY CONSIDERATIONS

5.1 General

- 5.1.1 Local planning authorities are required to determine planning applications in accordance with the statutory development plan unless material considerations indicate otherwise. For this planning application to be approved it must satisfy as far as possible the guidance contained within the National Planning Policy Framework (NPPF Adopted March 2012 and updated in December 2023). The current Bury Unitary Development Plan (UDP) was adopted by the Council on 29th August 1997. The Council is now working to replace the adopted UDP with a new document called the Bury Local Plan. Until the new Local Plan is produced the UDP will continue to be used to make planning decisions. The Joint Places for Everyone (PfE) Development Plan Document was adopted by Bury Council with effect from 21 March 2024 and supersedes some of the UDP policies. Following the adoption of the Places for Everyone Joint Plan (PfE) on 21 March 2024, the Council is now moving forward with a new Local Plan for Bury.

5.2 Local Plan

- 5.1.2 The relevant policies of the UDP are:
 - Policy EN6/4: Conservation of the Natural Environment- Wildlife Links and Corridors
 - Policy MW1/1: Minerals and Waste – Areas of Search

5.3 National Planning Policy

- 5.3.1 The main national planning policy guidance is set out in the National Planning Policy Framework (NPPF).

National Planning Policy Framework (NPPF)

- 5.3.2 The NPPF is the main national planning policy guidance influencing planning decision making in England. It sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally prepared plans for housing and other development can be produced.
- 5.3.3 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.
- 5.3.3 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.*

- 5.3.4 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.

5.3.5 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.*

5.3.6 Paragraph 85 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.

5.3.5 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:

- 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.*

- 5.3.6 The development proposed directly meets the exception contained within sub-clause a) and c).
- 5.3.7 Section 15 of the NPPF highlights the Government's commitment to "Conserving and enhancing the natural environment" and paragraph 84 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."*
- 5.3.8 The intention of the policies contained within Section 15 seeks to protect landscapes, biodiversity and local ecology against the undesirable effects of inappropriate development. Paragraph 174, sub-clause e) notes that the policies fulfil their intentions by.
- 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;*
- 5.3.10 The policies of the NPPF appear to be supportive of the application that we have submitted on behalf of the applicant.

5.4 Local Planning

- 5.4.1 Policy EN6/4 - Wildlife Links and Corridors states *The Council will seek to consolidate and, where appropriate, strengthen wildlife links and corridors, and will not permit development which would adversely affect identified areas. In particular, the Council will seek to ensure that new development within or adjacent to identified links or corridors contributes to their effectiveness through the design, landscaping and siting of development proposals and mitigation works, where appropriate.*
- 5.4.2 The proposed development is for the change of use of an existing building and therefore will not affect the application site or surrounding area that has been identified as a Wildlife link and corridor. There will be no new built form that will result from the proposed development.
- 5.4.3 Policy MW1/1 – Areas of Search states *“The Council has identified areas of search for the extraction of minerals on the Proposals Map and priority will be given for their extraction within these areas.”*
- 5.4.4 We are not proposing to extract minerals from the application site and therefore this policy is not relevant to the proposed development.

6. SUMMARY AND CONCLUSIONS

- 6.1 Gary Hoerty Associates has been instructed by Mr J Entwistle to prepare and submit a planning application, seeking consent on their behalf for the change of use and extension of an agricultural building to provide a cafe, toilets, kitchen, office, two class rooms and animal pens together with a kiosk and display and outdoor seating area partly retrospective. Change of use of existing hard standing yard area to car parking at Higher Woodhill Farm, Woodhill Road, Bury, BL8 1BS.
- 6.2 The proposed development will enable the existing business to continue operating together with expanding at the same time. It is intended that the change of use of the existing building will enable the business to continue to thrive through providing an undercover seating area and more a diverse range of products including hot and cold food in a permanent location. The change of use will also allow the business to provide a space for children from the local community to visit. The extension of the business will also provide a number of jobs to the local community.
- 6.3 The development accords, in terms of design, materials and appearance with the existing buildings at Higher Woodhill Farm, and will not impact significantly or detrimentally upon the local landscape. The building is within the core area of structures at the farm and is not isolated development.

- 6.3 The land is located within an area designated in the adopted Local Plan as Green Belt. It is clear from the relevant planning policies regarding protection of the environment and agricultural sustainability that this type of development is desirable and acceptable in principle in policy terms.
- 6.5 We therefore submit the development proposals to the Authority for determination. Should there be any aspect of the application that require further information or clarification, please contact us and we will be pleased to oblige.

Fiona

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August 2024