

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 17/04/2023	Ref: 69406/AG
Registration: 08/03/2023	LDFC:	Expiry Date: 05/04/2023
Site Visit: 24/03/2023	Site Notice: N/A	Press Date: N/A
Objections: 31	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed agricultural building

Location: Sheep Hey Farm, Whalley Road, Shuttleworth, Ramsbottom, Bury, BL0 0ND

Description

The application relates to a site which is in a rural location in the Green Belt, Special Landscape Area and River Valley. The site comprises a large open field and is located on the western side of Whalley Road. Opposite the site on the eastern side of Whalley Road is a short row of houses with a public house to the south east.

The application submission states that the proposed development is for an agricultural building on land at Sheep Hey Farm, Shuttleworth which is an agricultural unit of some 28 hectares (69 acres).

The proposed building would be used for general agricultural storage purposes including the storage of hay from the land and for agricultural machinery.

The proposed building would be sited approximately equidistant between the north and southern field boundaries and 25m west of Whalley Road. There is an existing field gate which would be used to access the building. An access route and area of hardstanding constructed of limestone would be provided from the road to the building.

The building would be 20m long and 12m wide with a ridge height of 4.89m and eaves level of 3.6m.

The application has been submitted for Prior Approval under Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The applicant was notified on 22/3/2, within the 28 day period from the date the application was received, that the prior approval of the Local Planning Authority was required for the siting, design and external appearance of the building.

The applicant posted a site notice on 23/3/23 as required by conditions under paragraph A.2(iv) (aa) of Part 6, Class A of the General permitted Development Order. It was subsequently reported to the LPA by a local resident that the site notice had been removed just hours after it had been posted.

By the conditions of (bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement.

In this case, the site notice had been removed by intent and as such the site notice should

be replaced. This was done on 27/3/23.

Relevant Planning History

59550 - Change of use of field to camping site including siting of 2 no. moveable portalooos and shower block - Approve with Conditions 26/05/2016

61223 - Retention of shed to store hay, feed and associated equipment; retention of boundary fencing - Approve with Conditions 24/05/2017

63407 - Variation of condition nos. 2 and 9 of planning permission 59550 for the gate on the corner to be used for maintenance purposes and a single passing place provided - Approve with Conditions 19/12/2018

05/0246 - Non compliance with an enforcement notice

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09/0574 - Failure to comply with enforcement notice - 19/11/2009

12/0063 - Untidy land / Engineering Operation - 12/04/2012

12/0491 - Untidy land; Engineering operation - 20/03/2013

16/0380 - Breach of condition - 12/10/2016

16/0475 - Construction of a building and High Fence - 24/03/2017

17/0445 - Breach of condition of planning permission 59550 - 27/04/2018

19/0403 - Installation of 2 no. yurts, 4 no. pods, 2 no. bell tents and orange brick guard and 2 no. water tanks - 27/01/2020

Publicity

Site notice posted by Applicant 23/3/23 and 27/3/23

32 objections received in total

1 Petition with 74 signatures -

- Contrary to Green Belt Policy
- Serious adverse impact on the openness and character of the Green Belt and Special landscape Area and visual amenity of local residents
- Serious and detrimental impact on the amenity of local residents relating to noise and general nuisance of the proposed use

31 Objections received as a result of the site notice -

- Planning Notice - initial site notice removed from site within 2 hours of posting. Ask for the notice to be replaced and period for comments extended.
- Noted that the applicants do have a number of local farms in the Shuttleworth area - the applicants do not reside at Sheep Hey farm
- The applicant's have a long history of planning applications - erected a significant sized building at Twine Valley. The applicant had prior approval to build a hay barn at Twine Valley Farm which was turned into another cow shed, and never stored hay.
- The proposed location is usually subject to significant flooding. It is considered a flood plain for drainage from adjacent fields. The site is clearly not suitable for siting an agricultural building. The application has no detail as to how such flooding would be dealt with or avoided.
- According to the Bury UDP Proposals Map, the site is identified as Green Belt, and within a Special Landscape Area. It is in the river valley and directly adjoins a tributary to the Irwell.
- Whilst an agricultural building is defacto in accordance with para 149 of the NPPF, the NPPF upholds the requirement for good standards of design and amenity, as well as conserving and enhancing the natural environment.
- Reference to SPD 8 - "New buildings should form part of a group, rather than stand in isolation." - Would be stand alone.
- "The site should be close to an existing highway in order to avoid long obtrusive driveways" - Includes construction of an access road and dangerous access to Whalley Road.
- "The development should relate to landscape features such as woodland or hedgerows and not harm views of the skyline." - The development stands in open grassland. The

- industrial size building will intrude substantially on the skyline from many viewpoints.
- “Careful consideration should be given to the impact of a new building when viewed from several locations in both the immediate vicinity and the wider countryside” - The development represents a substantial and unacceptable adverse impact on visual amenity from a wide range of viewpoints, including from residential properties, public roads and footpaths, and has an unacceptable adverse impact on the openness of the Green Belt.
 - “The impact of a new building can be reduced by siting it close to existing development.” - The proposed warehouse stands alone at the edge of a field some considerable distance from the other farm buildings in the valley below.
 - “Large-scale buildings are difficult to site unobtrusively on hill terrain.” - No justification has been given for the design or location of the industrial sized building, which is extremely obtrusive. The proposed building are on the crest of a hill. No justification has been provided that the location is unavoidable. Sheep Hey Farm is 28 hectares in size. There are other locations on the farm for this proposed building that are hidden from view.
 - “Existing trees and hedgerows should be retained where possible.” - The existing hedgerows, shrubs and trees at this location will be destroyed in the development of the site.
 - “Consideration must be given to the best way of integrating a new building with its immediate surroundings and landscape.” - The development will not be with other similar farm buildings. The proposed materials and colour will present a highly visual industrial scale building on open farmland.
 - “Existing trees, shelterbelts and other biodiversity features (e.g. ponds, unimproved grassland, etc) should be retained, and where appropriate enhanced.” - The development on the site together will represent a complete physical barrier to wildlife that use the open plain and flooded section of land.
 - Reference to OL5/2 - River Valleys - The proposed industrial scale building would stand alone at the edge of a field that has an open aspect across the countryside across the Ramsbottom valley.
 - Reference to EN7/2 - Noise pollution - No assessment of the adverse environmental impacts of noise on local residents has been undertaken by the applicant.
 - The application contravenes the relevant sections of the NPPF and Bury UDP sections OL1/2, OL4/5, OL5/2, EN9/1, EN11/1, EN6/3, EN7/2 and EN9/1, as well as SPD8.
 - It is extremely important that this unwarranted application is rejected to uphold planning policy and practices in the Borough, defend intrusion into our Green Belt and to protect the amenity of local residents and visitors to Shuttleworth.
 - This would have a serious & detrimental impact on the amenity of local residents relating to noise & general nuisance of the proposed site.
 - The amount of traffic on Whalley Rd, exacerbated by the quarry is already a blight, to add to this would mean another adverse impact for local residents.
 - The hedgerow in question is a strip of land that runs in-between the pavement and the field, it has become heavily wooded with both trees and shrubs and is a shelter belt for wildlife including birds which have now started nesting for this year. This area does not belong to Sheep Hey farm but to the Highways Agency. Any damage to this would be illegal and devastating not least to the wildlife. I have therefore contacted the Highways Agency as a precaution.
 - The notice was removed shortly after it had been posted (presumably so the residents would not have the opportunity to view it or ask questions). Disappointing that the applicant would feel it necessary to behave in such an underhand manner. Disappointed that the planning rules did not provide for residents to be individually notified – a necessity in this case and would respectfully request that the time for comments be extended. I would also thank you for ensuring that the agent replaced the notices (this was done on Monday afternoon).
 - If this development is allowed to stay, it will give the green light to others to ride roughshod over the Green Belt and destroy the character of our countryside.
 - Why locate the warehouse/barn in an area with a beautiful view - spoiling the views of local heritage 'Peel Tower' and the green land around.

- For a considerable time the Bury highway from the centre to Edenfield has been subject to tractors and trailer traffic. It has been an increasing problem in that this traffic causes both noise and at times obstruction to the normal flow of traffic. This is not normal farm business but one of waste transport. This conduct of traffic is a seven day operation from early morning until late evening. This transport business seems to operate from Park Farm Gollingrod, Lower Gollingrod farm and sites nearer to Bury. Some of this waste is being transported up Gin Croft Lane in Edenfield to be dumped on Scout Moor. Is Lancashire County Council aware of this? Do the operators of these businesses have the appropriate transport licences? Are they regulated under waste transport regulations? Are they using incorrect and illegal fuel i.e. Red Diesel? Are the sites to which they are transporting the waste regulated under the waste disposal regulations.
- The development includes the construction of an access road to the building from the A56 Whalley Road, In all the 30 years I have lived here the proposed access gate has never been used and any occasional access has been from Leaches Road at the other side of the site or at the bottom of the lane down to Sheep Hey Farm. What with the access to the Duckworth Arms and the access to Sheep Hey Farm this additional access for farm and industrial vehicles will cause such mayhem on a 40mph road resulting in an accident waiting to happen.
- The proposed warehouse stands in stark contrast to the surrounding residential properties. There are other farm buildings adjacent the applicant's land down the hill below the M66 motorway, where there are no residential properties. The warehouse creates a substantial and unacceptable adverse impact on visual amenity for residents and from a wide range of viewpoints due to the incongruous industrial nature of the building.
- Sheep Hey Farm is a large farm and has many other locations on the farm for this proposed building that are hidden from view.
- Rarely have we seen any livestock feeding from the fields in question which do not appear to offer an ideal grazing option, and therefore begs the question of what would be the advantage to the farmer, in having an additional storage facility in this particular space.
- The land in its current form is not a natural field but one that was artificially created during construction of the M66 motorway. The soil which was dug out was added to this land in order to act as a noise buffer - it must be considered whether the land is suitable for construction purposes.
- Disappointed that the planning rules did not provide for residents to be individually notified – a necessity in this case and would respectfully request that the time for comments be extended.

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN9/1	Special Landscape Areas
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL4/5	Agricultural Development
OL5/2	Development in River Valleys
HT2/1	The Strategic Route Network
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) 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.

Prior Approval - principle

The proposal would comply with all the limitations and conditions as laid out under Article 3 Schedule 2 Part 6 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

However the LPA must make a determination as to the siting, design and external appearance of the proposed agricultural building.

In this respect, the following policies are considered relevant -

Policies

Para 149 of the NPPF states that buildings for agriculture are appropriate development in the Green Belt.

UDP Policy OL1 - Green Belt states the Council will maintain a Green Belt, ensuring that it fulfils the following strategic purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from further encroachment;
- to preserve the setting and special character of historic towns;
- to assist in urban regeneration, by encouraging the recycling of derelict and other land.

UDP Policy OL1/2 - New Buildings in the Green Belt says the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- agriculture and forestry (except where permitted development rights have been withdrawn);
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- limited infilling in existing villages as set out under Policy OL1/3.

UDP Policy EN9/1 - Special Landscape Areas strictly controls development which is required to be sympathetic to its surroundings in terms of its visual impact. high standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

Policy OL4/5 - Agricultural development require buildings to be sited and designed in such a manner as to minimise visual impact to the landscape having regards to height, materials, landform and landscaping; relate well to existing farm buildings and not have an unacceptable impact on the amenity of any neighbouring properties.

Policy OL5/2 - Development in River Valleys only considers development acceptable where the development would not lead to the division of open parts of the valley into sections and it would fall within the terms of the listed exceptions, which includes Green Belt.

SPD8 provides guidance on the construction of new buildings in the Green Belt and specifically to agricultural buildings, states new buildings should normally form part of a group rather than stand in isolation and relate to existing in size and colour. The site should be selected close to a highway for access purposes and relate to landscape features so as not to harm views of the skyline.

Careful consideration should be given to the impact of a new building when viewed from several locations in both the immediate and wider countryside, with significant weight given to views from main roads, public footpaths and settlements. There should be an emphasis on materials and colours that have the least visual impact on the surrounding area. Consideration should also be given to the best way of integrating the building with its immediate surroundings.

Assessment - Siting, design and appearance

The site is located in a Special Landscape Area, River Valley and the Green Belt.

Under para 149 of the NPPF, buildings for agriculture are considered as appropriate development in the Green Belt. However, para 137 and 138 states the importance

attached to Green Belt and to retain the essential characteristics of Green Belts which are their openness and permanence.

The site is a large open field which is widely visible from long range views from all directions. No parts of the field are divided by any fences, gates or hedges and the field is devoid of any other structures, agricultural related or otherwise. The proposed building would be located approx 25m from the eastern boundary to Whalley Road, and equidistant from the north and southern boundaries of the field. Effectively, it would be located in the middle of the open field and on a relatively level piece of land and as such would be in an isolated and remote position within the field and therefore a conspicuous building within the context of the surrounding land form. The proposed building would be particularly visible and prominent to public views on both approaches along Whalley Road, Leach Lane to the south and PRow 112RAM to the north.

The applicant owns a large parcel of land within the agricultural holding and the proposed building could be sited in a far less prominent location, at lower ground level, away from residential properties and areas which are either close to field boundaries and/or screened by mature trees and vegetation.

The applicant has not provided any reason behind the siting of the building in the proposed location or demonstrated that consideration had been given to alternative sites.

UDP Policies EN9/1, OL1/2 and SPD8 makes it quite clear that development in the Green Belt and Special Landscape Areas should be strictly controlled and required to be sympathetic to surrounding areas in terms of visual impact, with high standards of design, siting and landscaping. Obtrusive development will not be permitted and buildings should be sited so as to relate to existing development, avoid long obtrusive driveways, relate to landscape features and not harm views of the skyline.

The proposed siting of the building would clearly contravene these policies, by the introduction of building in an isolated location which would be highly visible and conspicuous within the field, and which would harm the open aspect and wide uninterrupted views of the Special Landscape Area which would be intrinsically harmful to the special qualities and openness of the Green Belt.

The proposed development would also result in the encroachment in the countryside and therefore conflict with para 138 of the NPPF and OL1/2.

The site is also assessed as an area of landscape of moderate/moderate high landscape value and sensitive for commercial development in the Greater Manchester Landscape Character and Sensitivity Assessment (2018) and as such harm to the landscape is caused due to the proposed isolated siting of the building.

Furthermore, given the siting of the proposed agricultural building within the open field, a 25m vehicular access route from Whalley Road to the building is proposed together with a turning and manoeuvring area of circa 161 sqm. The landscape is characteristically open and the extent of access track and hardstanding would introduce an unnatural and urban feature which would result in the erosion and encroachment of the countryside and Green Belt to a significantly harmful degree.

In terms of design and appearance of the proposed building, it would be 20m x 12m x 4.89m and constructed of pre cast concrete panels up to 2m high with the remainder of the upper wall comprising Yorkshire timber boarding. The roof would be constructed of a corrugated mineral fibre.

The building would have a rectangular form with a pitched roof and sliding timber opening doors on the north and south elevations for access purposes.

In appearance and design and scale, the building would characteristically appear similar to that of other agricultural type builds commonly used for the storage of agricultural machinery and which are located in other farming settlements or rural areas.

However, in this instance, due to the isolated and remote position within the field and scale and height of the building, the appearance, size and design of the building would present a highly visual and imposing building and therefore considered to be harmful to the visual amenity of the area. Partly built of concrete and corrugated fibre, the materials and building would appear stark, severe and alien to the area.

It is therefore considered the proposed development would be seriously detrimental to the special landscape character and openness of the area and contrary to policies OL1/2, OL4/5, EN9/1, SPD8 and the principles of the NPPF.

Siting and impact on public amenity - The nearest houses are those opposite the site on the eastern side of Whalley Road. There would be a distance of more than 30m between the proposed building and the houses. Whilst there is some hedge planting in front of the site which would screen the building to some degree, this is only for a short stretch and the building would still be visible from these houses.

The building would have an elevation length of 20m facing Whalley Road and a height of almost 5m, and given the isolated position within the field, it is considered the proposed building would be obtrusive and visually harmful to the visual amenity of local residents and equally, those passing by the site, particularly along Whalley Road and Leaches Road to the south, which is a PRoW often travelled by walkers.

The siting of the proposed building and its associated use and the type of traffic it would generate would also cause noise and disturbance to nearby occupiers.

By virtue of the siting, design and appearance it is considered the proposed development would be seriously detrimental to public amenity and contrary to policies OL1/2, OL4/5, EN9/1, SPD8 and the principles of the NPPF.

Siting and access issues- There is currently a metal field gate which provides an access to the site, although following a site visit, correspondence received from local residents and historic images from google streetview, the access appears not to have been used for a significant period of time, being overgrown with vegetation.

The proposed agricultural building would be used for hay and machinery storage. This would result in large agricultural type vehicles such as tractors and trailers accessing the site to transport machinery and farm stuffs and the such like. The access to the site is not particularly wide, being approx 4m wide and given the size of vehicles which would be accessing the site and which may also be towing trailers, it is likely that there would be turning and manoeuvring on Whalley Road which would cause conflicts with traffic approaching from either direction. As the exit would be onto a classified road which has a restricted speed of 40mph along which is a regular flow of relatively fast moving traffic, it is considered the intensification of the use of the site access for heavy farm vehicles would be detrimental to the highway safety of users of Whalley Road.

There is also a hedge and tree planting which runs from the site entrance along the eastern boundary of the site towards the north. This planting would restrict visibility when exiting the site.

Cutting back the hedge/trees along the boundary to provide visibility would not be accepted from a visual amenity perspective.

It is therefore considered that the siting of the proposed agricultural building and associated access track and hardstanding would result in the intensification of the use of the site with an inadequate access and servicing facilities.

Siting and associated agricultural holding - The submission states that the agricultural building would be associated with land and an agricultural holding at Sheep Hey Farm.

A plan has been submitted to show the applicant's agricultural holding which includes the

application site. Whilst the plan cuts off the full extent of the land holding to the north, it does show the applicant has a significant amount of land to the south and west of the site. There are areas of the holding which are close to other farm buildings or relate to landscape features, field boundaries or are close to and more easily accessible from roads for example, where an agricultural building would be much better sited in terms of limiting visual impacts and which would also relate far better to Sheep Hey Farm which it is proposed to serve.

The applicant has provided no justification or reasoning for siting the building in the proposed location or whether the building would be reasonably necessary for the purposes of agriculture relating to the land within which the building would be sited.

Flooding - Whilst not located in a designated Flood Zone, there was clear evidence on site (site visit 24/3/23) that the area proposed to locate the agricultural building is subject to flooding. This has been reinforced by objections which have been received by residents local to the area.

Recommendation: Prior Approval Required and Refused

Conditions and Reasons:

- 1 The proposed development by virtue of its siting, design and appearance would be harmful to the landscape qualities of the area being located in an isolated and remote position which would be visually prominent within the setting and result in an incongruous and obtrusive incursion to the special landscape area and character and detrimentally harmful to the openness of the Green Belt. As such, the proposed development would be contrary to Bury Unitary Development Plan policies EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt, OL4/5 - Agricultural Development and SPD8 and the principles of the NPPF.
- 2 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 and which would be highly visible from the public domain and therefore significantly harm the residential and visual amenity of the adjacent dwellings and members of the public, 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 and SPD8 and the principles of the NPPF.
- 3 By virtue of the siting of the proposed building, the proposal would result in the intensification of daily use of an access onto and from a high speed classified road that is sub-standard in terms of visibility and arrangements at the junction with Whalley Road which would be detrimental to highway safety.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	17/4/23	DM	18/4/23