

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 29/01/2025	Ref: 71221/FUL
Registration: 11/11/2024	LDFC: 13/12/2024	Expiry Date: 06/01/2025
Site Visit: 04/12/2024	Site Notice: 04/12/2024	Press Date: 21/11/2024
Objections: 0	Con Area: N/A	Adv Type: ASB
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of a polytunnel to accommodate a slurry bag and associated equipment to produce a renewable fuel (biogas) for generating onsite heat and energy

Location: Higher Woodhill Farm, Woodhill Road, Bury, BL8 1BS

Description

The application relates to a farm, Higher Woodhill Farm on the west side of Woodhill Road. The site is within the Green Belt and a designated Landscape Character Area, River Valley and Wildlife Corridor. The complex of farm buildings are grouped together around which are concrete hardstandings which serve as the yard and servicing areas to the buildings.

To the south of the site and in the applicant's ownership is an open field beyond which is residential development which extends round to the west and the north western perimeter of the field.

The farm primarily operated as a dairy farm but due to the change in farming practices and competition, has diversified into the manufacture and sales of dairy icecream made and sold on site and more recently, opened a cafe and small education centre for local children to visit.

The application seeks the erection of a polytunnel to accommodate a slurry bag and associated equipment to produce a renewable fuel (biogas) for generating on site heat and energy. The polytunnel would accommodate the process of converting slurry produced on the farm by the existing herd of dairy cows into biogas.

In terms of the process, the slurry would be pumped from the underground slurry store, which is next to the polytunnel, to the feed-in tank inside the polytunnel and then gravity fed back out to the slurry store. The pump would be a submersible type which is commonly used in slurry pumping.

The biogas output would then be used to power existing facilities on the farm including the refrigeration units and equipment associated with the ice cream business with the other output a liquid bio fertiliser which would be spread on the applicant's land.

The polytunnel would be sited more or less centrally within the existing cluster of farm building sheds and other structures on an existing concrete hardstanding and would measure 18.2m long x 6m deep x 2.9m high and constructed of a polythene material with steel reinforcing bars.

Relevant Planning History

54048 - Demolition of existing poultry shed and erection of new livestock building together with outside yard/feeding area incorporating below ground slurry storage - approved 2011
60960 - Demolition of existing poultry shed and agricultural building - approved 6/2/2017
66859 - Temporary change of use for a period of three years from agricultural use to retail

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sale and manufacturing of ice cream with the provision of 3 no. containers - approved 6/8/21

71033 - Continuation of the use of 3 no. containers associated with the retail sale and manufacturing of ice cream (Classes E(b) & B2) for a temporary period of three years - approved 18/10/24

71118 - Change of use and extension of agricultural building to a cafe, class rooms, animal pens, kiosk and outdoor seating area with associated parking - Approved 14/11/24

Publicity

Letter sent to adjacent property on 18/11/24.

Site notice posted 4/12/24

Press advert 21/11/24

No responses received as a result of the publicity

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Environmental Health - Contaminated Land - No comments to make

Environmental Health - Pollution Control - No objection.

Traffic Section - No objection

Waste Management - No response received.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
OL5/2	Development in River Valleys
EN6/4	Wildlife Links and Corridors
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
OL1/2	New Buildings in the Green Belt
OL4/4	Agricultural Diversification
GMMWP	Greater Manchester Minerals and Waste Plan
JP-C2	Digital Connectivity
JP-G1	Landscape Character
JP-G9	The Green Belt
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 - use

Chapter 6 of the NPPF supports a prosperous rural economy and at para 88 states that planning policies and design 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.

EC4/1 - Small Businesses states that proposals will be acceptable where the scale of development is appropriate to and the use environmentally compatible with the surrounding area in which it is to be located.

OL4/4 - Agricultural Diversification - Encourages a viable rural economy by supporting farm diversification enterprises which respect the quality of the built and natural environment. Development proposals should seek to conserve and enhance the landscape character and nature conservation value of the countryside.

The proposed development would facilitate a process using natural by-products of the farm's dairy herd converted into a biogas to be used to power existing facilities including

refrigeration equipment for the farm's businesses and in doing so would assist in the ongoing viability of the farm in a sustainable manner.

The proposed development would therefore be compliant with the principles of the NPPF, UDP Policies EC4/1, OL4/4 and PfE policies JP-S1 and JP-S2.

Principle - Green Belt

The proposed polytunnel would be sited amongst a group of existing farm buildings on an area of concrete hardstanding. Comparative to the other buildings, at just under 3m in height, the polytunnel would be a low level structure and would not interrupt views across the site or the Green Belt.

The proposed development would be in connection with the existing farm business producing energy and natural by-products and as such would support the principles of sustainable development and agricultural diversification policies of the NPPF, PfE and UDP.

It is therefore considered that the siting, appearance and location of the development and its connection with the agricultural business would not harm the openness of the Green belt, would be appropriate development compliant with the principles of the NPPF.

Heritage

The polytunnel would be a low level structure mostly screened from the Grade II Listed Building, Calrows Farm by other farm buildings and barns. Located on existing hardstanding, the polytunnel would be a temporary type structure which could be readily removed at any time.

The Conservation Officer has raised no objection.

As such, it is considered the proposed development would not have a detrimental impact on the character or setting of the Listed Building and would be acceptable.

Highways

The proposed development would not involve any additional vehicle movements to and from the site or require works to the access or parking.

Odour and noise assessment

The applicant has submitted an odour assessment and states that no additional slurry would be produced as a result of the proposed development. The slurry would be pumped to the anaerobic digester underground through pipes and following processing, would travel back via another underground pipe. The procedure would be contained at all times. The pump which would be used would also be a submersible type which is commonly used in slurry pumping and there would be no noise outputs as a result.

The Pollution Control Team have been consulted but no comments have been received.

As such it is considered there would not be an associated odour or noise problem to the immediate or surrounding area given the containment of the materials and the bi-products.

It is considered the proposed development would therefore be acceptable.

Contaminated land

The polytunnel would be sited on an existing concrete base and there would be no breaking of ground to accommodate the facility. The slurry would be turned into power for the existing farm facilities and equipment and the natural bio fertiliser which would be created would be spread on the surrounding fields.

The EH contaminated land section have been consulted and have responded there are no

comments to make to the application proposals.

As such the proposed development is considered to be acceptable.

Ecology

The polytunnel would be sited on an existing hardstanding and there would be no loss of on-site habitat.

As such the proposed development would be exempt from Biodiversity Net Gain.

Policy JP-S2: Carbon and Energy

The proposed development would in itself be an energy saving mechanism to produce heat and energy to power existing facilities at the farm.

The applicant states that the light fittings will be low energy bulbs.

JP-C2: Digital Connectivity

Fibre has recently been installed along Woodhill Road and therefore the application site will be connected shortly. The whole premise will be connected digitally.

Given the character and scale of development it is considered the proposal would be compliant with policy JP-S2 and JP-C2.

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 This decision relates to drawings numbered - Proposed and existing plans, elevations and site location plan ENT.508.3572.01 B - and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 2 The polytunnel hereby approved shall be permanently removed from site within 3 months once no longer required to serve the site or serve the operations of the site.
Reason: In the interests of the visual amenity pursuant to OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan and the principles of the NPPF.
- 3 Permission is hereby granted for a limited period only, namely for a period expiring 5 years from the date of this decision notice, and the building, works and use and any equipment associated with the polytunnel use or comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition within 3 months of cessation.
Reason. In view of the temporary nature of the development and having regard to the particular nature of the site and surroundings pursuant to The National Planning

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Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	29/1/25	DM	29/1/25