

AGRICULTURAL BUILDING

HOLCOMBE HEY FOLD, HAWKSHAW LANE BL8 4LD

Holcombe Hey Fold is one of four houses at the head of Hawkshaw Lane. It shares a boundary with Holcombe Firing Range. A mature garden surrounds the house with agricultural land to the south. The total size of the holding is 5600 square metres. There is a public footpath (number 3RAM) between the house and the adjacent property known as The Barn which will not be affected by the proposal.

An existing agricultural building was erected in 2004 which is now intended to be replaced with a larger building. Planning permission should have been sought for the existing building but a subsequent application (number 50215) submitted in July 2008 confirmed that it was "Lawful".

The applicants, Mr and Mrs Sanderson, acquired the property in 2016. Since then a considerable amount of work has taken place on the house and land.

- New external doors and windows, increased insulation and an updated heating system have improved the thermal efficiency of the house.
- Unsightly sheds have been removed from the upper garden and a dry stone wall constructed on the northern boundary. Shrubs and flowers will encourage pollinators and birds.
- An orchard, herb garden and large vegetable plot with two greenhouses have been established. The aim is to become largely self sufficient.
- A coppice is being established. Over 1000 trees/saplings have been planted, including willows and the process will continue. Thinnings will provide logs to heat the house.
- A sapling hedge has been planting on all sides of the field boundary.
- The field has been let for grazing and hay has been gathered. As the trees mature they will create a windbreak to allow additional areas of crops to flourish and beehives to be introduced.
- The aim is to be fully organic with no pesticides used. It is hoped to install a ground source heat pump. The south facing roof of the proposed new building will support solar panels to generate electricity.

The existing building contains a tractor and ride on mower, tools and purification and pumping equipment for the borehole that supplies water to the holding. It was constructed from second hand materials and, after nearly 20 years is unsightly, leaky and needs replacing. It is not large enough for what is now required. A second tractor is currently left outside. Given the remote location, there are several power cuts per year and a generator and battery system is needed. Space is needed for other agricultural equipment and tools, drying and storing crops and storing logs.

The land holding is not large enough (i.e. less than 5 hectares) for the building to be considered as “permitted development” and an application for full planning permission is therefore required.

The new building will be in the same position as the existing but extended forwards and sideways with roller shutter doors on the south elevation. The walls will be clad in vertical timber boarding and there will be a sheeted pitched roof.

The building would measure 12 metres by 12 metres with a maximum height of 4 metres, to the eaves giving a floor area of 144 square metres and a volume of 576 cubic metres. The existing building has a floor area of 46 square metres and volume of 129 cubic metres.

Planning Policy

The National Planning Policy Framework (NPPF) was issued in revised form in July 2021. Like previous guidance, it points out that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, with the emphasis on sustainable development. The NPPF points out that “local planning authorities should look for solutions rather than problems and should seek to approve applications for sustainable development wherever possible”. The applicant is happy to receive an approval with appropriate conditions to make the development acceptable to the LPA.

Paragraph 147 of the NPPF points out that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 149 sets out exceptions to this including “a) buildings for agriculture and forestry” and “d) the replacement of a building, provided the new building is in the same use”

Bury Unitary Development Plan was adopted as long ago as August 1997 and, despite its age, is still Bury’s development plan. Agricultural buildings are “appropriate development” in Green Belt (Policy OL1/2).

The property is also within the West Pennine Moors (Policy OL7/2) and a Special Landscape Area (EN9/1).

Supplementary Planning Document 8 “New Buildings and Associated Development in the Green Belt” was adopted in 2007. The wrong SPD number (10) was previously quoted. Issues to be considered include siting, access, boundary treatment, materials and landscaping. There is general guidance for new buildings and more specific guidance for agricultural buildings. The proposal is for replacement of a worn out building with a larger building of improved appearance and more suited to the ongoing agricultural operation. The siting, design and materials are appropriate to its Green Belt setting.

The Town and Country Planning Act 1990 definition of “agriculture includes horticulture, fruit growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agriculture” shall be construed accordingly”.

Justification

The current activity is not commercial but it clearly falls within the definition of “agriculture” in the Planning Act. The replacement building is essential to the efficient operation of the holding and is appropriate development in the Green Belt as defined in the NPPF. The current agricultural use is not commercial and is aimed at self sufficiency but if all goes well produce will be offered for sale. It is an old tradition for houses in the countryside to have a “smallholding” of agricultural land.

It was accepted by the local planning authority that the existing building is “lawful”. An earlier planning application (number 49480) was refused in March 2008 because the building’s size, appearance and external materials were considered to be inappropriate to its setting. The principle of allowing an agricultural building was not disputed. If permission is to be granted for the new building the planning officer must be convinced that it will not adversely affect the openness, character and appearance of this part of the Green Belt and West Pennine Moors Area of Special Landscape, the basis of the 2008 refusal.

The new building will be much larger than the existing but that, in itself, should not be a problem. Case law before and after the issuing of the NPPF gives some assistance on what might or might not be acceptable. The Court of Appeal judgment (Turner v Secretary of State 2016) upheld the Inspector’s decision to dismiss an appeal for a bungalow to replace a mobile home at a commercial vehicle yard.

Paragraph 14 of the judgment is helpful in setting out what appears to be the main issue. To quote "The concept of openness of the Green Belt is not narrowly limited to the volumetric approach.....The word "openness" is open textured and a number of factors are capable of being relevant *when applied to the particular facts of a specific case*. Prominent among these will be factors relevant to how built the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect which the Green Belt presents."

It cannot be disputed that the appearance of the new building will be vastly superior to the existing and appropriate to its setting in the Green Belt. It will be a simple purpose built agricultural building. Rusty green corrugated sheets will be replaced by natural timber boarding. Despite the decision on the previous application the building will be well screened on three sides. Since the 2008 refusal additional planting has taken place and is maturing. To the north, the land slopes upwards and there is a cotoneaster and elder hedge. The existing building is set into the slope and the floor level of the new building could be lowered further. To the west are two parallel tall hedges. To the east the firing range land is well wooded. The south elevation will be at least partially screened by the newly planted trees.

The simple design and external materials for the new building are appropriate for a farm building in the countryside, unlike the multi coloured sheets on the sheds to the west of the property.

The building is not isolated. It is on the edge of a group of houses and other buildings.

The building will be similar in appearance to other farm buildings in the area on more exposed sites which have recent planning permission. These include land to the west of Hawkshaw Lane (application number 61943) and Three Acre Farm (60251). A much larger building has consent, and other development, has consent at Hawkshaw Hall (56081). Buildings have been approved on a similar smallholding in Ainsworth (54487 and 63033).

There will be no harm to the openness of the Green Belt and no reason why planning permission should not be granted.