

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 16/11/2023	Ref: 70197/AG
Registration: 23/10/2023	LDfC:	Expiry Date: 20/11/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: NREQ

Proposal: Prior approval for proposed agricultural building

Location: Scotson Fold Farm, Scotson Fold, Radcliffe, Manchester, M26 3SQ

Description

The application relates to a part of a field which is in a rural location in the Green Belt and River Valley. The site comprises Scotson Fold Farmhouse (a listed building), Scotson Cottage, two semi detached cottages (nos 5&7 Scotson Fold) and a luxury pet care facility business (cattery and kennels). There is a car park and turning area for visitors to the pet facility in front of the existing buildings. There is a private access lane to the site.

There is open land to the north, south and west of the site

The application is for an agricultural building on land at Scotson Fold Farm. The application form states the entire agricultural unit comprises 3.7 hectares.

The proposed building would be used for the storage of produce and machinery as the existing building is no longer fit for purpose.

The proposed building would be sited to the west of the dwellings at the entrance to the field and adjacent to the northern boundary of the field.

The building would replace existing containers which are currently in situ.

The building would be 16m long, 10m wide with an eaves height of 3.8m and ridge height of 5.2m.

The application is supported by a location plan and proposed elevations and floor plan.

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) which states -

Class A – agricultural development on units of 5 hectares or more.

Permitted development

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

(a) works for the erection, extension or alteration of a building; or

(b) any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit.

Relevant Planning History

44607 - Demolition of existing dwellings & erection of 2 semi-detached cottages - Approve with Conditions 12/09/2005
47781 - Use of existing storage building as extension to kennels - Approve with Conditions 18/05/2007
53104 - Extension to time limit for implementation of planning application 44607 for demolition of existing dwellings and erection of 2 semi-detached dwellings - Approve with Conditions 04/11/2010
58512 - Non-material amendment following granting of planning permissions 44607/53104 to replace arched lintels with straight lintels over windows and french doors and to incorporate coloured soldier course of brick to match below and remove plinth and add contrasting brick course - Approve with Conditions 11/03/2015
10/0495 - Commencement of development on the site without discharge of conditions - 10/09/2010
10/0554 - Change of use; unauthorised advertisement - 10/11/2010

Publicity

N/a

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
OL1/2	New Buildings in the Green Belt
OL4/5	Agricultural Development
OL5/2	Development in River Valleys
EN2/3	Listed Buildings
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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 application proposes an agricultural building.

The application form states that the proposed agricultural building is applied for under Schedule 2, Part 6, Class A of the GPDO 2015 (as amended).

Schedule 2 Part 6 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates to agricultural development on units of 5 hectares or more and development is permitted for -

- (a) works for the erection, extension or alteration of a building; or
 - (b) any excavation or engineering operations,
- which are reasonably necessary for the purposes of agriculture within that unit.

The total area of the agricultural unit comprises 3.7 hectares.
Therefore the application fails Part 6 Class A which relates to agricultural development on units of 5 hectares or more.

The applicant has failed to show that the agricultural land in the application is comprised in an agricultural unit of 5(five) hectares or more in area as required by Article 3 Schedule 2 Part 6 Class A - A. of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Prior Approval is therefore refused.

Recommendation: Refuse

Conditions and Reasons:

The applicant has failed to show that the agricultural land in the application is comprised in an agricultural unit of 5(five) hectares or more in area as required by Article 3 Schedule 2 Part 6 Class A - A. of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	16/11/23		