

DELEGATED REPORT

Report by Mark Kilby	Date of report: 24/01/2022	Ref: 67870/AG
Registration: 02/12/2021	LDfC:	Expiry Date: 27/01/2022
Site Visit: 22/01/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	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: Touch Road Farmhouse, Touch Road, Bury, BL9 5QS

Description

The site is in Green Belt located just to the south of Touch Road. It is approximately 40m to the south of Touch Road Farmhouse and is set approximately 10m below it. There is heavy woodland screening between the house and the site. Touch Road is designated as a public footpath and bridleway BUR157. Vehicular access to the site is via the existing bridleway which continues east and then south from where Touch Road terminates at Touch Road Farmhouse. There are no works proposed to the access. There are no other buildings on the site. The agricultural unit 6.80 Ha in area.

There are open fields surrounding the site to the south, west and east with the East Lancashire Railway and Burrs Country beyond to the south west.

The proposal is for a single storey portal frame non-livestock agricultural building for the storage of hay and agricultural plant. It would be 18.20m x 9.10m, it would have a ridge height of 4.80m and an eaves height of 3.60m. The proposed materials are concrete panels from the base to a height of 1.80m with grey Yorkshire boarding to the eaves at 3.60m and a final ridge height to dual pitched roof of 4.80m. The roof covering would be grey fibre cement panels.

The proposed building would be sited in a natural hollow at the bottom of the access and set back into the slope of the land. It would be visible from longer distances from public footpaths from in excess of 300m away. The engineering operation required to achieve this is permitted by virtue of Part 6, Class A - A(b) - *any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.*

The applicant was notified on the 14/12/21 within the 28 day period from the date the application was received that the prior approval of the Local Planning Authority was required as to the siting, design and external appearance of the building. The applicant posted a site notice on the same day as required by the conditions under paragraph A.2(iv) of Part 6, Class A of The General Permitted development Order.

Relevant Planning History

None.

Publicity

Applicant site notice - 14/12/21. No objections or comments received.

Statutory/Non-Statutory Consultations

None.

Pre-start Conditions - None.

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework

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.

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.

Policies - UDP Policy OL1 - Green Belt says 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.

Siting - The proposed building would be sited in a natural dip in the landscape and screened to the rear by mature woodland. As such the impact of the building on the landscape topography would be mitigated to a level which would not be severe in visual terms. Although as a single building with no other development on the site this landscape context provides that the building would not be viewed in isolation.

The proposal would be viewed in this context from longer views to the south of the site. The proposed building would not be visible from shorter distances from the public footpath by virtue of its siting being screened by the mature woodland behind it. By virtue of the size and scale of the proposal it would not have a detrimental visual impact. As such it is considered that at a height of 4.80m the proposed building would not be detrimental to the character or openness of the green belt. The proposal would be in accordance with Policies OL1/2 and EN1/1 of the adopted Unitary Development Plan and SPD 8.

Design - The design of the proposed building is that of an agricultural building designed for the storage of hay, plant and feed and as such is considered acceptable and not to be detrimental to the character of the Green Belt.

Appearance - The external appearance of the proposed building is considered to be of an agricultural appearance by virtue of the materials and colouring to be used for the external finishing as described above making it similar to other agricultural buildings found commonly on agricultural units and because of its size and scale would have very little impact on the visual amenity of the Green Belt. As such it not detrimental to the character and openness of the Green Belt and is therefore considered acceptable.

Having regard to the above it is considered the proposal is acceptable as it complies with the adopted policies of The Bury Unitary Development Plan - OL1 - Green Belt, OL1/2 - New Buildings In The Green Belt and EN1/1 - Visual Amenity and paragraph 149 of the National Planning Policy Framework.

Recommendation: Prior Approval Required and Granted

Conditions and Reasons:

- 1 This decision relates to drawings numbered ml/jl/6029 and Location Plan (Vector Plan) 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 listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	24/1/22		