

Ward: Ramsbottom + Tottington - Tottington

Item 02

Applicant: Mr and Mrs Scott

Location: Land off Moorside Road, Tottington

Proposal: Erection of multi purpose agricultural building

Application Ref: 66249/Full

Target Date: 25/01/2021

Recommendation: Approve with Conditions

Description

The application relates to a piece of land which is set within a semi-rural setting, designated as Green Belt and Special Landscape Area. The land is part of an agricultural holding which is used for the stabling and riding of horses.

To the north east is an established residential estate, to the west is the residential dwelling Jackson Fold Farm which has an outbuilding along the shared boundary and is also separated by a timber boarded fence and hedge. To the south, south east and south west is open land.

The site is accessed via an unmade single width lane and Public Right of Way which is located at the far western corner of a residential housing state. The access is located between two houses, Nos 44 and 46 Moorside Road and is secured by a metal gate close to the site entrance.

There is some vegetation and tree planting along the entrance site, along the periphery of the site and sporadically within the site itself.

The site comprises of two stable blocks, an outdoor riding arena, storage containers and hardcore yard/turning area and adjoining grassland.

The application proposes the erection of an agricultural building. It would be 24.38m long, 12.19m wide and 6.5m high to the ridge. The building would be constructed of a concrete panel base up to 1.5m with Yorkshire timber boarding elevations and a fibre cement roof. There would be a roller shutter door and a door opening on the north elevation for access into the building.

The building would be positioned directly adjacent and to the west of the riding arena. The area proposed for the agricultural building forms a plateau which is elevated above the arena by approximately 1.5m. It is proposed to level off the site area to the level of the riding arena.

It is the applicant's aspiration to expand the farming business at this site with a particular interest in breeding rare cattle and sheep and the intention is to use the building for the rearing and housing of livestock as well as the storage of machinery and feed stuffs which are currently stored outside.

Relevant Planning History

None

Publicity

Letters sent on 7/12/2021 to 50 properties on Bradshaw Road, Moorside Road, Hilltop Drive, Meadow Way.

Site notice posted 20/12/20
Press advert 17/12/20

4 objections received from Nos 8, 10, 21, 28 Moorside Road with the following issues raised -

- Flood risk. In latter years we have water cascading down the steps from our garden onto the lower area, it is like a bog. Not happy with the current level of drainage from the large field, I don't think there is any "sustainable drainage system" in place.
- In the Planning Statement & Agricultural justification 4.10 - to my knowledge no improvements to alleviate drainage issues & flooding have been done behind No 4-12 Moorside Road.
- We have recently put in a new back fence and for over 12 years the horses have put their heads over the fence, leaned on it until it was almost falling down and becoming a hazard to our young grandchildren who visit.
- We have sighted rats this year, concerned about storage of feed, hay, straw etc .
- The proposed building is directly behind my house and will put my garden into almost permanent shade due to it being on the western facing outlook which is the only sun my garden gets.
- The owner of the land could locate this building closer to their property and in doing so cause less issues for neighbours.
- There have already been a number of buildings constructed on this land, none of which I understand had planning permission. If this continues then what was an open field will become a sprawl of outbuildings.
- I understand the land is green belt and therefore should be protected.
- I only object if the building would be used for things like gymkhanas, equine shows etc as Moorside Road is not suitable for lots of horse boxes and big cars with trailers. If it is only going to be used for storage that's a different thing

One comment received from No 34 Moorside Road -

No objection subject to the following -

- The building is solely used for agricultural use
- If the building is used for equestrian events, shows, competitions or similar, suitable and adequate off road parking should be provided
- Moorside Road is very narrow and not suitable for the parking of horse box vehicles or vehicles towing trailers for livestock
- The existing public footpath within the vicinity to be retained, kept open and available for public use.

Those who have made representations have been informed of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Environmental Health - Commercial Section - No response received.

Public Rights of Way - No objection in principle - Paths need to be kept open or a temporary closure will be required.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN9/1	Special Landscape Areas
OL1	Green Belt
OL4/5	Agricultural Development
OL4/7	Development Involving Horses

OL7/2	West Pennine Moors
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
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.

Paragraph 83 of the NPPF states that planning policies and decisions should enable sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well - designed new buildings and the development and diversification of agricultural and other land-based rural businesses.

Paragraph 84 states that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

In Chapter 13 - Protecting Green Belt land, Paragraph 145 considers the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include a) buildings for agriculture and forestry;

UDP Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings is inappropriate development unless it meets one of the four listed purposes, one of which is agriculture and forestry.

OL4/5 - Agricultural Development states that buildings or structures which require planning permission will be permitted provided they are re-sited and designed in such a manner as to

- minimise their visual impact on the landscape having regard to height, materials, landform and landscaping;
- relate well to existing farm buildings;
- do not have an unacceptable impact on the amenity of neighbouring dwellings.

OL7/2 - West Pennine Moors states that development will be controlled so as to reduce any possible detrimental effects these may have on the important character of the area.

EN1/1 - Visual Amenity - Development should not be permitted where proposals would have a detrimental effect on the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Area or the river valleys. The wider consideration of the effect on visual amenity is necessary in sensitive areas to ensure that developments are not inappropriate by reason of their siting, materials or design.

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

Principle - Paragraph 145 of the NPPF makes it clear that the construction of new buildings in the Green Belt is inappropriate development. However, there are exceptions to this which include buildings for agriculture.

The Appeal Decision at Twine Valley Farm, ref APP/T4210/W/16/3151468 for development of agricultural building for housing livestock, found that the NPPF sets no limits on the scale of agricultural buildings or requires evidence of its necessity. It is also stated that unlike some other development types stated in Paragraphs 89 and 90 of the NPPF, the effects of agricultural buildings on the openness or purposes of the Green Belt are not listed as additional tests to be met.

The case in R (Lee Valley Regional Park Authority) v Broxbourne BC (2016) also lends support to this as it states that a reading of Paragraph 88 and this exception in Paragraph 89 finds that development that is not inappropriate should not be regarded as harmful to openness.

Therefore, within the context of the NPPF and case law, the proposed building would not constitute inappropriate development in the Green Belt.

The proposed development for the erection of an agricultural building is therefore considered to be appropriate development and would comply with the principles of the NPPF and UDP Policy OL1/2.

UDP Policies OL4/5, EN1/1 and EN9/1 and have regard to visual impacts and relationships to the surrounding area and any properties in the vicinity and these issues are discussed below.

Siting, design and appearance - As concluded above, the erection of an agricultural building for the purposes of agriculture is considered not to be inappropriate development in the Green Belt according to national guidance of paragraph 145 of the NPPF and therefore the Applicant is not required to demonstrate the need for the building or assess impact on the openness of the Green Belt.

The development would, however need to be assessed against UDP Policies OL4/5 and EN9/1 which require development and agricultural buildings to be sited in a sympathetic manner so as to minimise visual impact on the landscape with regards to height, materials, landform and landscaping.

The building would be 24.38m long x 12.19m wide and 6.5m high to the ridge and constructed on a concrete base panel, with timber Yorkshire boarding and a fibre cement roof. It is not uncommon to see agricultural buildings of this size and scale within rural settings and agricultural holdings and the use of such materials for this type of agricultural building are common place.

Whilst there is residential development to the north east of the site, the land surrounding the site to the east, south and west is rural and open land and the site itself an agricultural holding and in equestrian use. The site is surrounded by mature vegetation and tree planting along the boundaries and well screened from wider views. It is also proposed to set the building at the same level as the adjacent riding arena which would reduce its visual impact comparative to the surrounding land form and neighbouring property and as such considered not to be significantly harmful to views.

It is therefore considered that as the building would be for agricultural purposes and needs, the proposed siting and position together with the types of materials, design and appearance would not cause significant harm to the special character and openness of the Green Belt or Area of Special Landscape.

As such, it is considered that the proposed development would comply with UDP Policies EN1/1, EN9/1, OL1/2, OL4/5 and SPD8.

Residential amenity - The properties closest to the site would be adjacent to the entrance of the site on Moorside Road and the dwelling, Jackson Fold Farm directly to the west of

the site.

The houses on Moorside Road would be approximately 100m away from the proposed building and would be screened by existing vegetation and trees and as such considered to be of a significant difference away not to be affected by the siting of the building.

The houses would more likely be affected by traffic of an agricultural type to serve the development and use of the land.

The applicant states that the driver of the application is due to the fact that at the moment, there are no secure storage facilities or building to house their livestock and this requires machinery and equipment associated with the agricultural use to be regularly brought and taken off the site. The proposed building essentially seeks to reduce vehicle movements to and from the site.

The site is also a well-established equestrian facility which the applicant states have been there for more than 20 years and traffic associated with these uses would not change.

As such, it is considered that there would not be a seriously detrimental impact from traffic on these houses.

In terms of Jackson Fold Farm, this property would be directly to the west of the agricultural building. The building would be 13m from the boundary and 23m from the nearest elevation of the house. It is also proposed to reduce the land level of the site and as such the building would be set 1.5m lower than the ground level of Jackson Fold Farm. This property has a detached outbuilding and timber boarded fence and hedging which runs along the shared boundary.

Given the distance away of Jackson Fold to the proposed development, the difference in levels and with the intervening features and building, it is considered there would not be a detrimental impact on the outlook or amenity on this property.

It is therefore considered that the proposed development would not have a detrimental impact on residential amenity and would be acceptable and comply with UDP Policies EN1/2, OL4/5 and SPD8.

Highways - The access to the site is through the existing residential estate and the lane which runs between two residential properties, Nos 44 and 46 Moorside Road.

The access lane to the site, which also carried a PRow, is fairly narrow at the entrance. However, it opens out to the wider site just past the gated entrance where vehicles can freely pass each other.

The site is a well-established equestrian yard which has been accessed by delivery vehicles and horse trailers for more than 20 years.

For the existing agricultural holding and livestock breeding enterprise side of the business, at the moment the applicants drive all their machinery, (which includes tractors, trailers muck spreaders etc), to and from the site as there is no secure storage building.

The proposed development would therefore not only enable the safe and watertight storage of the farming machinery on the site permanently, but seeks to reduce vehicular movements along Moorside Road.

It is therefore considered that the current condition and form of the existing lane could facilitate traffic which could be generated as a result of the development and there are no objections from the Highway Section.

A Construction Traffic Management Plan (CTMP) has been submitted with information on how the site would be developed out and the areas for the storage of materials and vehicles. The frequency of trips by construction traffic would be minimal as plant machinery

would be left at the site during the duration of the development. There would also be the provision of a jet wash on site to ensure that mud and materials are not carried onto the highway and a road sweeper commissioned should one be required.

The Highway Section are satisfied with the proposals and details of the CTMP and recommend the CTMP plan be a condition of an approval.

As such, the proposed development is considered to be acceptable and would comply with UDP Policies OL4/7, HT2/4 and HT6/2.

Public Right of Way - The PRoW Officer has raised no objection in principle but raises the point that Paths 87A and 87 TOT would need to be kept open during construction or a temporary closure will be required. Path 87TOT runs on top of a retaining wall alongside Jackson Fold Farm and at a higher level than the farmyard and would not be affected by the siting of the proposed building.

An advisory note to the applicant highlighting the status of the footpath would be recommended.

Drainage - The application does not contain any details of a drainage scheme to serve the development. It is therefore considered reasonable to include a condition to secure a sustainable drainage scheme for the development.

Response to objectors -

- A condition of the application would require the submission of a drainage scheme for approval
- In terms of vermin to the site, the building would be constructed of a concrete base and plinth and would be secured and water tight. The site already has an equestrian and agricultural use and it is considered that the proposed development would not be causal to vermin at the site.
- The existing stables buildings have been on the site for at least 20 years and are exempt from requiring planning permission.
- The containers have been on the site since at least 2006 and are used for storage of feed and tack for the stable use and are also now exempt from requiring planning permission.
- The issues relating to its use, relationship to neighbouring properties, Green Belt and access have been covered in the above report.
- The PRoW through the site would be retained.
- Damage to fencing is not relevant to the consideration of this application and is a private matter.

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/ Reasons

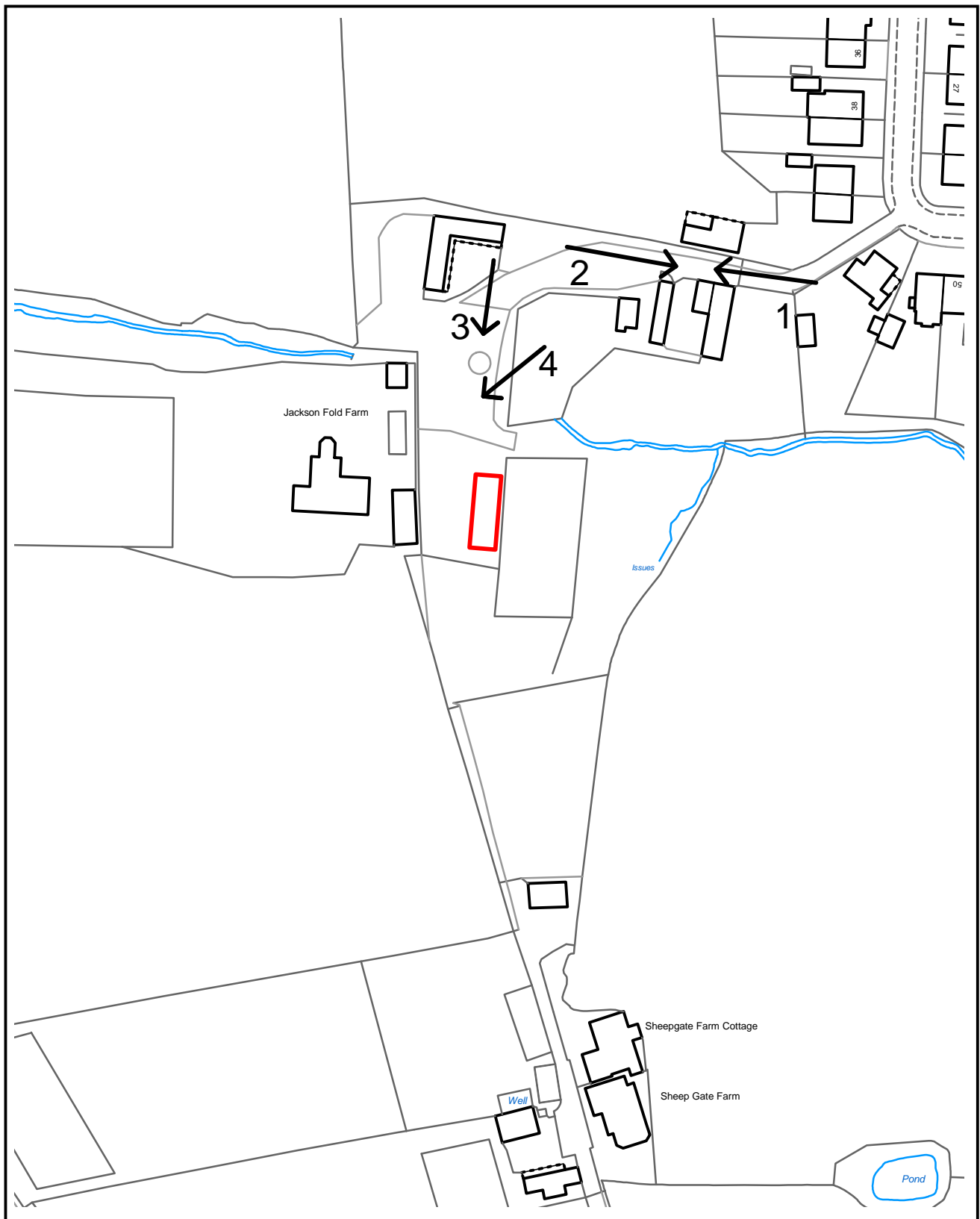
1. The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings - Topographical survey MM.TS.06 Rev B; Red/bue edge site layout plan PromapV2 received 1/12/21; Proposed agricultural building C106-3 Rev A; Section drawings C106-3 rev A 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.
3. No development shall commence unless and until surface water drainage proposals have been submitted to and approved by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
4. The measures and facilities indicated in the approved 'Construction Traffic Management Plan' (CTMP), incorporating delivery and construction vehicles of a sizes that can be accommodated on the residential estate roads and Public Rights of Way No.'s 87/87a, Tottington, used to access the site, shall be provided and adhered to throughout the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.
Reason. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.
5. Where during any works on site, unforeseen contamination is suspected or found, or contamination is caused, works on the site shall cease and the Local Planning Authority shall be notified immediately. The developer shall then produce a risk assessment and submit remediation proposals, if required, for approval to the Local Planning Authority. On approval of the remediation strategy, the development shall then be carried out in accordance with the approved details and process including any required timescales.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
6. The materials detailed on approved plan C-106-3 rev A shall be used in the development hereby approved and thereafter maintained. For the voidance of doubt, the Yorkshire timber cladding shall be painted/stained a dark green colour and thereafter maintained.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policies EN1/1 Visual Amenity, EN9/1 - Special Landscape Area and OL1/2 - New Buildings in the Green Belt and OL4/7 -

Agricultural Development.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Viewpoint



PLANNING APPLICATION LOCATION PLAN

APP. NO 66249

**ADDRESS: Land off Moorside Road
Tottington**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

66249

Photo 1



Photo 2



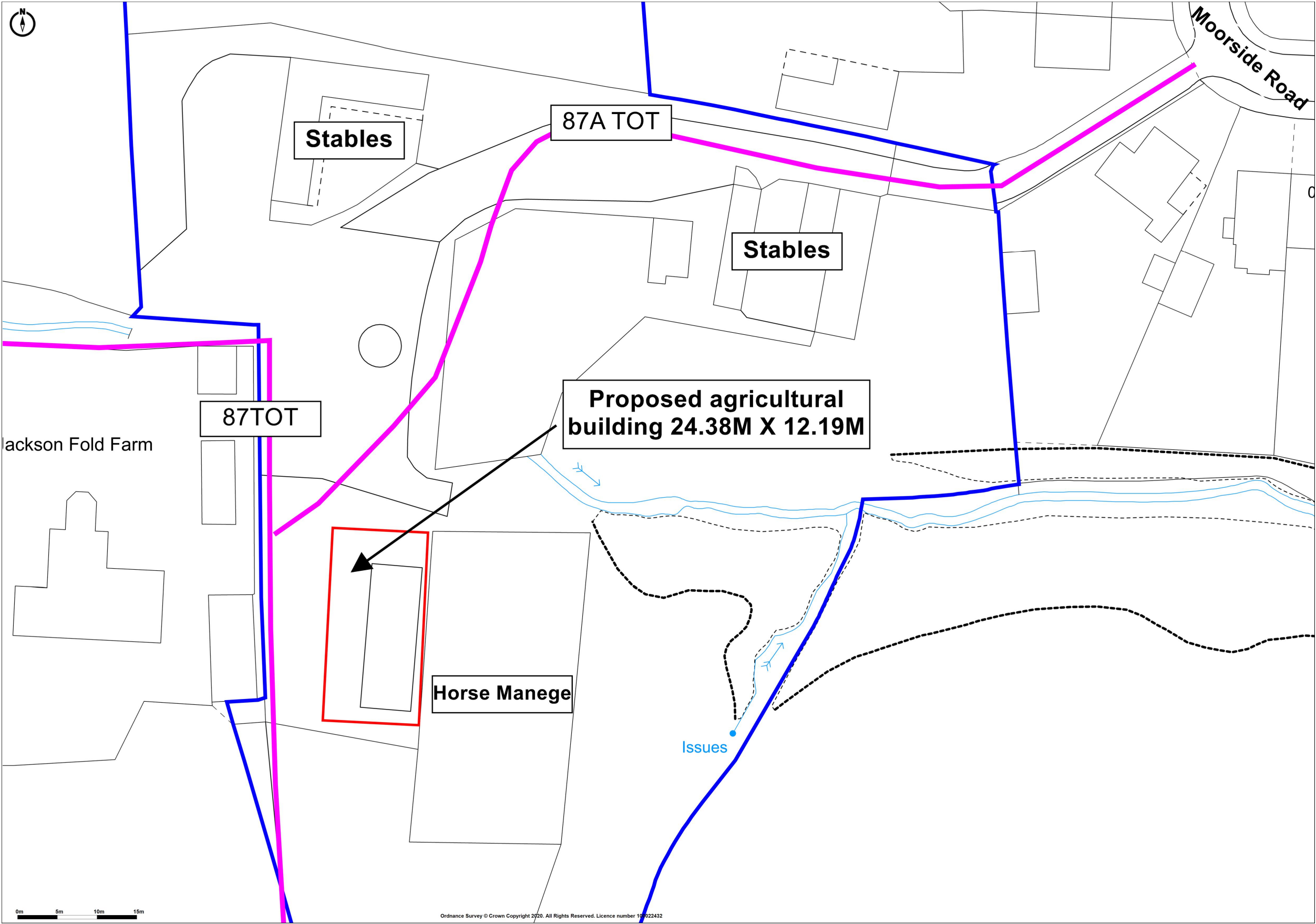
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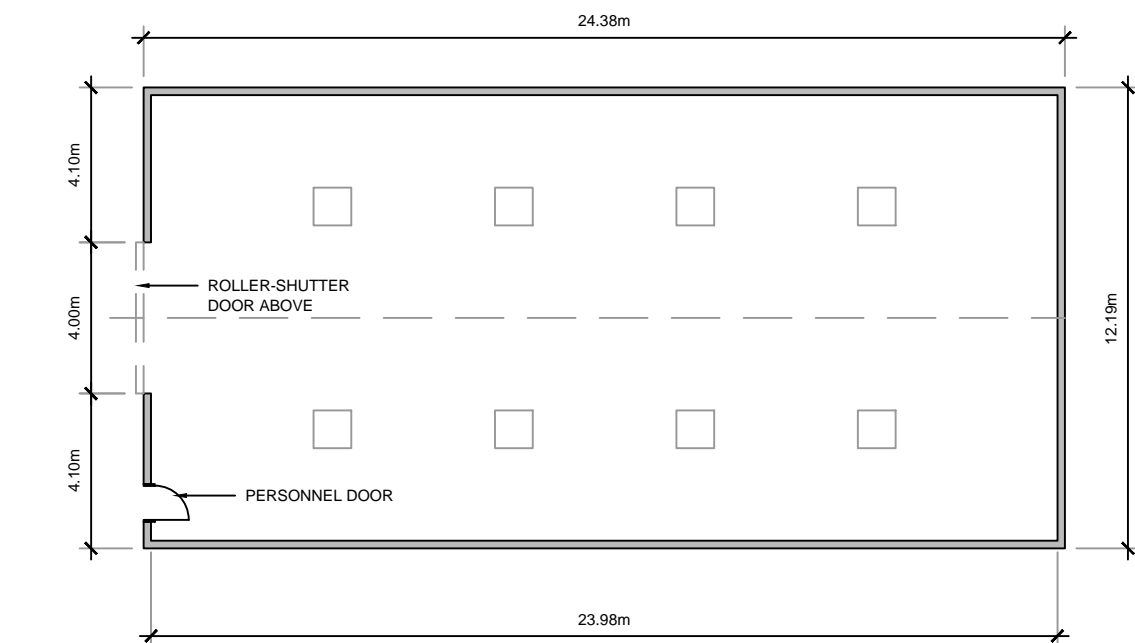
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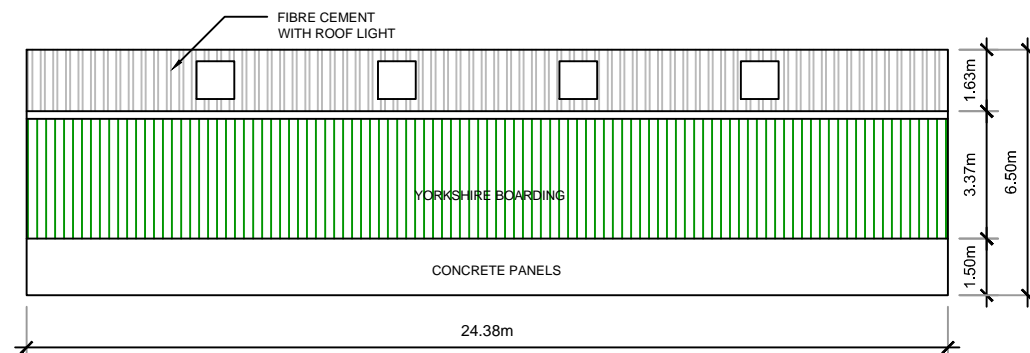
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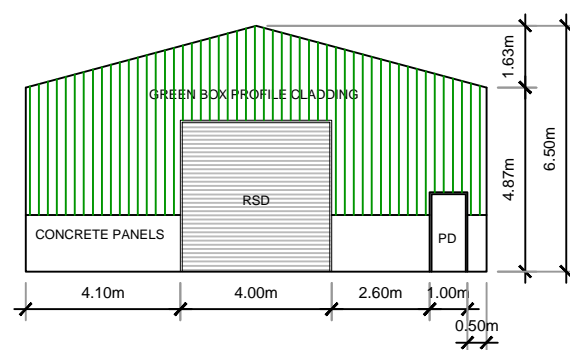




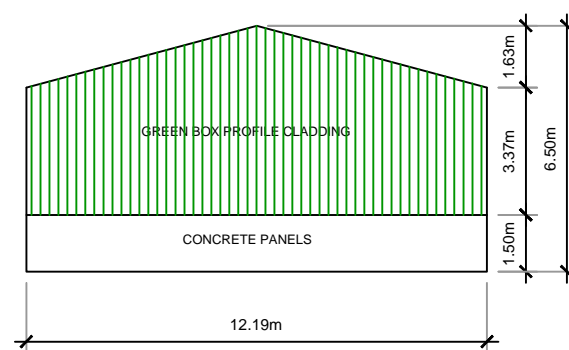
1 PLAN
C106-3 SCALE: 1:200



2 EAST & WEST ELEVATION
C106-3 SCALE: 1:200



3 NORTH ELEVATION
C106-3 SCALE: 1:200




4 SOUTH ELEVATION
C106-3 SCALE: 1:200

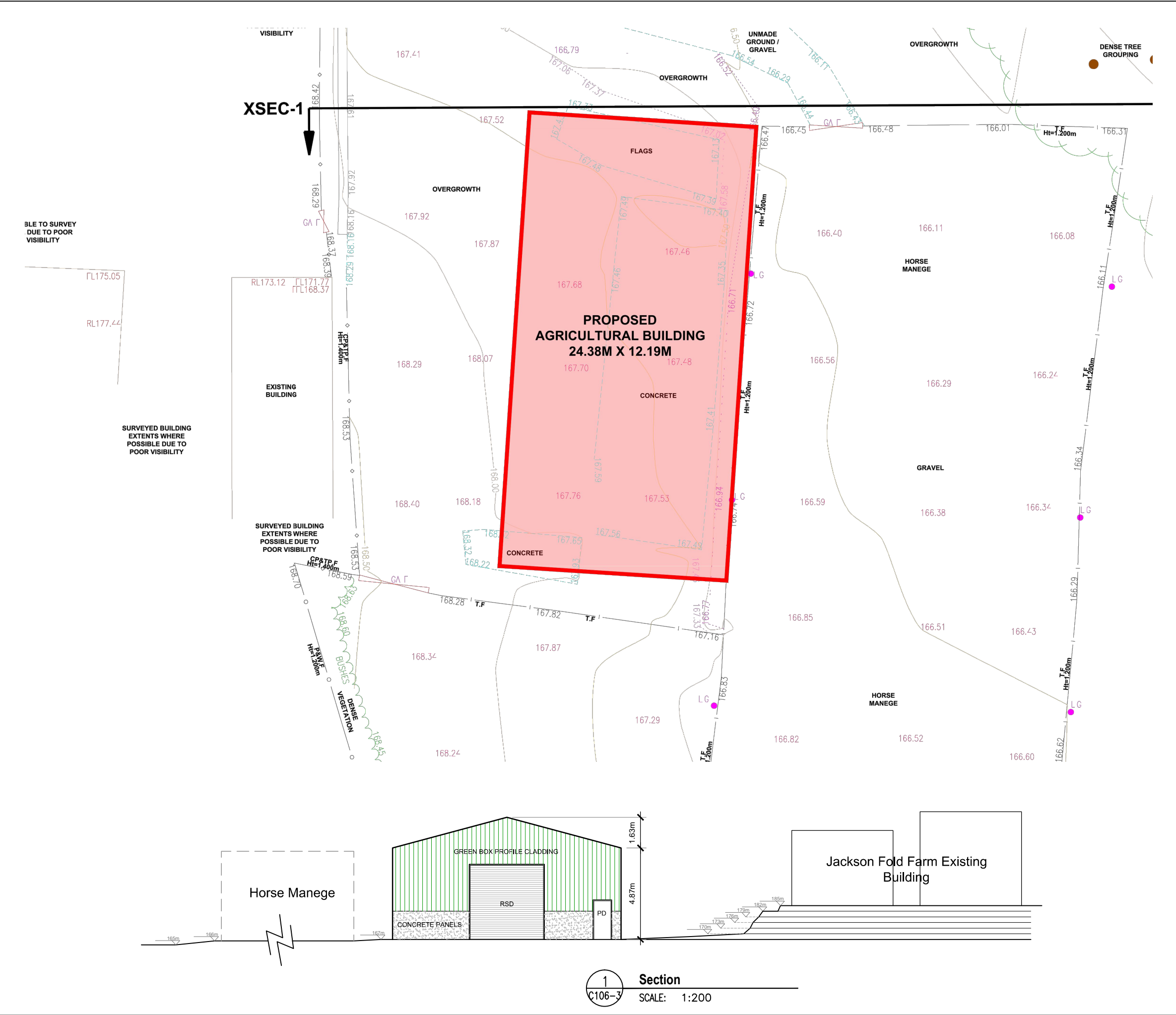
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SPECIFICATION:
FRAME - STEEL PORTAL WALLS
CLADDING - YORKSHIRE BOARDING
ROOF - FIBRE CEMENT WITH ROOF LIGHT
DOORS - RSD
FLOOR - CONCRETE

Client		
L & G SCOTT		
Drawing Title		
Proposed Agricultural Building		
Project Address		
-		
DRG NO.	SCALE	
C106-3	1:200 @ A3	
DRAWN	CHECKED	APPROVED
RM	SM	SM
 MACMARSHALLS RURAL CHARTERED SURVEYORS & PLANNING CONSULTANTS		
Date	www.macmarsahlls.co.uk	Revision
November 4, 2020	01204565660 07754955449 07876752429	A



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SPECIFICATION:

FRAME - STEEL PORTAL WALLS
CLADDING - GREENBOX PROFILE
ROOF - FIBRE CEMENT WITH ROOF LIGHT
DOORS - RSD
FLOOR - CONCRETE

Client

L & G SCOTT

Drawing Title

Proposed Agricultural Building

Project Address

Moorside Road, Tottington, Bury

DRG NO. C106-3 SECTION DRAWINGS		SCALE 1:200 @ A3
DRAWN RM	CHECKED SM	APPROVED SM

MACMARSHALLS

RURAL CHARTERED SURVEYORS
& PLANNING CONSULTANTS

Date	www.macmarsahlls.co.uk	Revision
February 3, 2021	01204565660 07754955449 07876752429	A