

<b>Application Number:</b>	2021/0666	<b>Application Type:</b>	FULL
<b>Proposal:</b>	Full application for a proposed extension to existing agricultural barn.	<b>Location:</b>	Land Adjacent To Old Cowpe Hall Off Cowpe Road Cowpe Rossendale Lancashire BB4 7AE
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	February 2022
<b>Applicant:</b>	Mr Karl Kempson	<b>Determination Expiry Date:</b>	26.01.22
<b>Agent:</b>	Mr Steven Hartley		

<b>Contact Officer:</b>	<b>Caroline Callow</b>	<b>Telephone:</b>	<b>01706 252432</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>Applicant is an elected member</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

- a) That Planning permission be granted subject to the conditions set out in this report.

## **APPLICATION DETAILS**

### **2. SITE**

Private lanes extending from Cowpe Road give access to the complex of buildings at Old Cowpe Hall. Old Cowpe Hall is a grade II listed stone farmhouse which dates from the mid 18<sup>th</sup> century. Planning approval 2012/0590 was granted for a barn on the south east side of the access to Cowpe Hall Farm and Old Cowpe Hall (Public footpath 14-4-FP297), to the north west of Public Footpath 14-4-FP 298 and parallel to footpath 14-4-FP281. Old Cowpe Hall lies approximately 55m to the west of the existing barn.

This application is to extend that barn. There are three Important Wildlife Sites in the location of Cowpe Hall Farm, all of which are woodland. The barn adjoins one of these sites.

The application site falls within land defined as Countryside in the Rossendale Draft Local Plan

### **3. RELEVANT PLANNING HISTORY**

- 2012/0590 Erection of Agricultural Building and associated hardstanding. Approved 10.06.2013
- X/2004/684 Reinstatement of Grade II listed farmhouse (renewal of application 1999/459) Approved 4.11.2004.
- X/2004/861 Variation of condition 1 of planning permission 2004/684 (Reinstatement of Grade II listed farmhouse) to allow extended time period for commencement of development Approved 21.01.2005
- X/2006/528LB Variation of Condition 1 of Listed Building Consent 2002/041 LB to commence development prior to 05 April 2008 Approved 16.10.2006

### **4. PROPOSAL**

The proposal is to extend the existing barn on the south east side. The proposed extension will be 18.7m by 11.85m creating a barn of 37.4m in length plus an existing addition on the south west end. The additional internal floorspace will be 222 square metres. The barn will match the height of the existing with materials of concrete panels to 2m in height with Yorkshire boarding above and a corrugated mineral fibre roof.

It is understood that the applicant farms some 500 acres of surrounding land with more elsewhere. The existing building is used for the housing of cattle and the extension will also be used for the keeping of livestock.

The applicant has advised that they have planted thousands of trees within the surrounding area to enable them to enhance public access with a new path. They are currently in entry level stewardship, a higher level stewardship and a forestry scheme which seeks to protect and enhance the area. A new scheme to do the peat restoration requires them to remove their cattle from the land so they need to over winter the cattle inside. The existing building is not sufficient to house the number of cattle they have.

## 5. POLICY CONTEXT

### National

#### National Planning Policy Framework (2021)

- Section 2 Achieving Sustainable Development
- Section 6 Building a Strong, Competitive Economy
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well-Designed Places
- Section 13 Protecting Green Belt Land
- Section 15 Conserving and Enhancing the Natural Environment

### **Development Plan**

#### Rossendale Local Plan 2021-2036

- SS Spatial Strategy
- SD2 Urban Boundary and Green Belt
- ENV1 High quality Development in the Borough
- ENV2 Historic Environment
- ENV3 Landscape Character and Quality
- ENV4 Biodiversity, Geodiversity and Ecological Networks

### Other material considerations

National Planning Practice Guidance

## 6. CONSULTATION RESPONSES

Growth Lancashire Heritage Advisor- No objections  
Lancashire County Council Highways- No objections  
Public Rights of Way- No comments received  
Environmental Health- No objections  
GMEU- No objections but suggest the inclusion of biodiversity measures.

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties and site notices were posted near to the site on 2<sup>nd</sup> December 2021.

One representation has been received raising the following issues:

Previous application required screening of the barn. This has been done to an extent but no maintenance and no screen of trees of gable end. Inadequate and no mention of screening in the current application.

No mention is made of the capacity in cubic metres of inert or Non-Hazardous Landfill needed to provide a hard standing sufficient to enable the construction of the proposed building. Thus far

many cubic metres have been delivered to the site and it is expected that this will continue in light of the scale of the proposed development.

The track which leads to the existing and proposed development as well as to Old Cowpe Farm and Old Cowpe Hall is unsurfaced and subject to significant erosion by these vehicles which is further exacerbated by significant water run-off from the surrounding high land. Further erosion and wider damage is also caused by farm tractor and associated trailers and agricultural machinery being towed at speed. Since the original objection the neighbour has indicated that applicant has made a temporary repair to the most damaged section of The Drive that is adjacent to Old Cowpe Hall.

The curtilage of Old Cowpe Hall is only 10m from the barn not 40m as suggested in the Planning Statement.

The existing and proposed development is very visible from Old Cowpe Hall and will have a greater impact as a result of the development.

## 8. ASSESSMENT

The principal consideration for this application is whether the development is appropriate in the countryside, the visual amenity of the proposal and the impact on the setting of the listed building and the impact on the ecology of the area and the designated adjoining Important Wildlife Area.

### Countryside

Strategic Policy SD2: Urban Boundary and Green Belt of the Rossendale Local Plan advises:

*“All new development in the Borough will take place within the Urban Boundaries, defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area”*

*“Development in the countryside will be supported where it is for a use that needs to be located in this location”.*

The site lies within an area of countryside and it would normally not be inappropriate to erect an agricultural building such as the one proposed on an existing agricultural holding. It is understood that the applicant farms some 500 acres in the vicinity of the site and the principle of an agricultural building is therefore considered acceptable.

The determination of whether the size and scale of the building are appropriate in visual terms (character and appearance) requires separate site-specific assessment against the requirements of Policies ENV 1, ENV2 ENV 3 and ENV4 of the Rossendale Local Plan, and the Framework – this will be assessed below.

### Visual Amenity

Policy ENV3 of the Rossendale Draft Local Plan advises that:

*The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions.*

*Development proposals which are in scale and keeping with the landscape character, and which are appropriate to its surroundings in terms of siting, design, density, materials, and external appearance and landscaping will be supported.*

*Development proposals should incorporate a high quality of landscape design, implementation and management as an integral part of the new development. Landscaping schemes should provide an appropriate landscape setting for the development and respect the character and distinctiveness of the local landscape.*

The proposal will result in the creation of a building of a significant scale due to the length. However, as the width does not increase this enables the height to be maintained at between 2.85m and 4.2m. It is considered that this does not result in an unacceptable bulk and massing that has an undue impact on the openness of the countryside in this location.

It is considered that the landscaping to accord with Policy ENV3 can be dealt with by way of condition.

### Listed Building

The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act, which states the following;

*'Listed buildings – Section 66(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Historic England's advice describes the setting as being the surrounding's in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access.

The Council's Heritage advisor has indicated that whilst it is clear that the existing shippon building can be seen in the same context as the listed building he does not feel the two sites have a great affinity or historical connection. The immediate curtilage to the Farmhouse is well defined and whilst its significance also draws on the wider rural character, the presence of a farm building would not be inappropriate within this context.

He further considers that the new extension lies on the opposite (east) side of the existing shippon and is further away from the Old Cowpe Hall than the existing building. Whilst the proposal will produce a much larger building overall, the impact of the new extension (proposed under this application) is minimal and will largely be screened by the existing part of the building. On this basis he does not consider the new addition will cause any greater impact on the setting than the existing building, which was deemed to have an acceptable relationship.

In conclusion he does not consider the proposal will harm the contribution made by the setting on the significance of Old Cowpe Hall and as such the proposal would conform to the statutory duty 'to preserve' and the objectives contained in Chapter 16 of the NPPF. As such the proposal would comply with Policy ENV 2 of the Local Plan.

## Ecology/Wildlife

Policy ENV4 of the Rossendale Draft Local Plan advises that:

*“All development proposals should seek to protect and enhance biodiversity, and will be requested to quantify any net gains”.*

*“Development proposals that have potential to affect a national or locally-designated site, as shown on the Policies Map and its immediate environs, or on protected habitats or species, will be expected to be accompanied by relevant surveys and assessments detailing likely impacts. A sequential approach should be followed to avoid harm and where possible enhance biodiversity, and where not possible, provide appropriate mitigation and, as a last resort, on and off-site compensatory measures to offset the impact of development.”*

*“Where appropriate, development should incorporate habitat features of value to wildlife, especially priority species, within the development (including within building design)”.*

The Greater Manchester Ecology Unit has advised that in this instance they accept that the construction of the building (being single skinned and with a roof of corrugated/prefab material) reduces the likelihood of bats using the building, and therefore they not require a bat survey as part of the application.

They advise that opportunities to enhance the building for wildlife, such as bats and nesting birds should also be considered, in line national planning guidelines which state that opportunities to improve biodiversity in and around developments should be integrated as part of their design (NPPF section 175d).

The site is in very close proximity to an Important wildlife area located immediately to the east. It is considered that the development should incorporate planting to enhance the biodiversity and that further measures to improve biodiversity should be required by condition The applicant has advised that they are willing to undertake to plant trees within the neighbouring area and they wish for this to be incorporated with the work they are doing with other tree planting schemes.

## Residential amenity

The extension will be further away from the nearest dwelling (Old Cowpe Hall) than the existing barn and will largely be screened by the existing building. It is therefore considered that there will be no undue impact on residential amenity in respect of light or overshadowing.

## Highways

The Highway Development Control Section of Lancashire County Council has no objections to the planning application and is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

## Landfill

Concern has been expressed by the residents of Old Cowpe Hall about the amount of landfill needed to provide a hard standing sufficient to enable the construction of the proposed building. The site is already relatively flat and at the same basic level as the existing building. The applicant has confirmed that they do not envisage that it will be necessary to import landfill.

### **9. SUMMARY REASON FOR APPROVAL**

The proposed development is appropriate in principle and, subject to the conditions, is not considered likely to unduly detract from visual amenity, openness of the area and neighbour amenity or highway safety and will not harm the setting of Old Cowpe Hall. It is considered that the development is in accordance with the National Planning Policy Framework, and Policies ENV1, ENV2, ENV3, ENV4 and SD2 of the Rossendale Local Plan.

### **10. CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following drawings submitted on 24<sup>th</sup> November 2021.  
Proposed Plans KK-03-11-21  
Location Plan KK.071121.A.

Reason: To ensure development complies with the approved plans and documentation.

3. Prior to first use of the agricultural barn hereby permitted a Landscaping Scheme, and a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Landscaping Scheme shall be implemented in accordance with the agreed timetable and any plants which are removed, die or become seriously damaged or diseased within 3 years of planting shall be replaced in the next available planting scheme with others of the same siting, size & species unless a variation has first been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual/neighbour amenity and the ecological enhancement of the site.

4. Prior to the first use of the agricultural barn hereby permitted a scheme to enhance the building and its setting, to improve biodiversity shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the ecological enhancement of the site.

### **12. INFORMATIVES**

1. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in

accordance with the National Planning Policy Framework and the local planning policy context.

2. There are a number of Public Rights of Ways in the area, including one adjacent to the proposed site. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should consider contacting Lancashire County Council's Public Rights of Way section by email on [PROW@lancashire.gov.uk](mailto:PROW@lancashire.gov.uk), quoting the location, district and planning application number, to discuss their proposal before any development works begin.
3. If protected species, such as bats are found or suspected of being present at any time during works, work should cease immediately and advice sought from a suitably qualified ecologist.
4. Work should be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.