

Application Number:	2022/0391	Application Type:	Full
Proposal:	Full: Application for an agricultural building (inc. biomass boiler)	Location:	Cribden Flatts Farm Cribden End Lane Haslingden Rossendale BB4 8UB
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	25.07.2023
Applicant:	Mr M Gribben	Determination Expiry Date:	02.08.2023 (extension of time agreed)
Agent:	Steven Hartley		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	Yes
Other (please state):	N/A

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

That Committee is minded to approve subject to the conditions outlined under section 10 of this report; and also delegate authority to the Chair of the Development Control Committee and Head of Planning to consider any public representations received prior to the expiry of the second site notice displayed near the application site, and subsequently determine the application upon the expiry of the publicity period, taking into account any representations received.

2. SITE

Cribden Flatts Farm is located in an area of countryside to the northeast of Haslingden. The farmhouse and cluster of buildings comprising the farm are accessed via a private track taken from Cribden End Lane, which runs west to east and is over 200m to the north. According to the planning statement the applicant owns 33 acres of land surrounding the farm and also rents other land such that some 50 acres are farmed in total.

The application site relates to a plot of land within an agricultural field to the north of Cribden End Lane. The site is within the most northern field owned by the applicant and is over 200m from the main farm. The field is bounded by dry stone walling and the surrounding landscape is similar in character.

3. RELEVANT PLANNING HISTORY

2016/0370 – Prior Notification: Portal Framed Building. (Prior Approval Not Required).

2019/0094 – Prior Notification: Change of use of agricultural building to form 1 no. four-bedroom dwelling, with associated operational development. (Refused).

2019/0339 – Biomass boiler, control room and wood store (retrospective). (Approved).

2021/0031 – Full: Re-siting of Biomass boiler and installation of a second boiler. (Approved).

2021/0128 – Full: Erection of an agricultural building, manege and biomass boiler. (Approved).

2022/0395 – Householder: Front porch plus a gazebo. (Approved).

4. PROPOSAL

The applicant seeks planning permission to erect an agricultural building with a footprint measuring 18300mm x 10600mm, providing the building with a floor area of 194m². The building would be two-storey in height with an eaves height of 4900mm and a ridge height of 6000mm. All elevations of the building would be clad with vertical Yorkshire boarding with 2m high fair face concrete blockwork below, whilst its pitched roof would be formed from corrugated mineral fibre roofing panels in grey. The building would sit roughly perpendicular to Cribden End Lane, with its front elevation containing a full-height timber sliding door facing southwest. The building would also

include a biomass boiler and flue. An access taken from Cribden End Land would lead to the front of the building, formed from consolidated stone hardcore.

The planning statement states:

“It would include a biomass boiler and flue to provide some heat in winter when temperatures at this altitude can plummet well below freezing.

It would be used for sheep fattening over the winter months and for general agricultural storage purposes.”

5. POLICY CONTEXT

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 6 Building a strong, competitive economy
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 15 Conserving and Enhancing the Natural Environment

Development Plan

Local Plan Policies

- Policy SS: Spatial Strategy
- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Urban Boundary and Green Belt
- Policy ENV1: High Quality Development in the Borough
- Policy ENV3: Landscape Character and Quality
- Policy ENV7: Wind Turbines
- Policy ENV8: Other forms of Energy generation

Other material considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Response
LCC Highways	No objection.
United Utilities	Requested further information concerning an easement. Applicant has adequately investigated the matter.

7. REPRESENTATIONS

In order to publicise the application a site notice was posted, and a further site notice was posted following an amendment to the description of development to include reference to the installation of a biomass boiler.

Nine objections have been received, raising the following concerns:

- Proposal would harm the character and beauty of the location, which is open farmland with no buildings. The proposal is completely out of character for the area and will block the view to Cribden Hill on approach.
- Inappropriate location for a building of this size.
- Proposal is illogical as the farm is not a working farm and the existing agricultural buildings are not used for agricultural purposes.
- Concerns raised that the building will not be used for its intended purpose.
- Questions raised concerning the building's location and distance from Cribden Flatts Farm, and that there are better alternatives that will be less disruptive such as next to the existing buildings comprising the farm.
- Would result in unnecessary disruption to neighbouring properties, road access and local wildlife.
- Existing agricultural buildings are not in use for agriculture, and farmyard contains shipping containers and HGVs.
- The applicant's other businesses are operating from the farm.

The most recent site notice was displayed 7 July 2023 and the normal 21 day notification period will not expire until 28 July 2023. Section 1 outlines the recommendation if any representations are received prior to the expiry of the publicity period.

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity and Impact on Countryside
- 3) Neighbour Amenity;
- 4) Highway Safety
- 5) Other Considerations

Principle

The site lies within an area of countryside, where it would not be inappropriate or unusual to develop agricultural facilities such as the building proposed. Furthermore, it is considered, on balance, that the proposed building would not unduly harm the openness or character of the countryside in this area (see relevant section below).

It is also noted that the Framework supports economic growth in rural areas and seeks to support sustainable growth and expansion of rural/agricultural businesses through well-designed new buildings (including through the conversion of existing buildings).

Some objectors to the application have questioned the need, location and size of the building proposed; commenting also that Cribden Flatts Farm is not in agricultural use

and that the Farm's existing buildings are not being used for agriculture. The case officer has visited Cribden Flatts Farm on two occasions during the determination of this application and once under a previous application ref. 2022/0395. On each visit it was clear that agricultural activities were being undertaken on the farm such as hay making, and it was also clear that sheep were being housed within the applicant's fields. The case officer also observed that the existing agricultural building was being used to store agricultural machinery.

In response to some of the comments raised by objectors the applicant has set out their reasoning for requiring the building, including its location away from the main farm complex:

"The proposed building is separate from other farm buildings for two reasons. The applicant intends to establish a distinct and separate flock of rare bread sheep. Firstly, any new sheep must be kept separate from the existing flock for 4 weeks to prevent the introduction of disease to other sheep on the farm. Secondly, the flock of rare breed sheep would not remain a distinct group if they were allowed to run with and breed with the main flock.

The existing farm building on the farm unit is used for the storage of agricultural machinery required for hay making and the running of the farm. These are used for hay making which, this June, has resulted in 95 large, circular bales being harvested."

It should be noted that the agricultural building approved under 2021/0128 has not yet been constructed, however, the building's intended purpose is to house animals such as the applicant's current flock of sheep, which numbers 50 according to the planning statement. Currently, the sheep are housed within the existing agricultural building when necessary.

In view of the above, there is no evidence before the case officer to suggest that the applicant's reasoning set out above is not sound. In any case, it should be noted that the application currently being considered is a full planning application and there is no policy test contained within the Framework or the Council's Local Plan which would require the applicant to demonstrate that there is an existing agricultural need for the proposed building. This is in contrast to the 'prior notification' procedure under the GPDO where a new building would need to be reasonably necessary for the purposes of agriculture to qualify for the relevant permitted development right. It is also acknowledged that it has been established in case law that the Framework sets no limits on the scale of such a building (in principle) or requires evidence of its necessity for existing agricultural use.

It is a principle of planning law that a use (such as the proposed agricultural use of the building in question) will persist until such time as it is supplanted by another use, or by the implementation of an inconsistent permission, or the carrying out of acts inconsistent with the continuation of any existing use. If in future the building is used (without the required planning permission) for non-agricultural purposes, then the Local Planning Authority would have the powers available to it to take any necessary enforcement action to remedy such breach.

The determination of whether the siting, size, scale and appearance of the building are appropriate in visual terms (character and appearance) requires a separate site-specific assessment against the requirements of the Rossendale Local Plan policies

SS, SD2, ENV1 and ENV3, and sections 12 and 15 of the Framework. This will be assessed below.

Visual Amenity and Impact on Countryside

Section 12 of the Framework requires all new developments will function well and add to the overall quality of the area, are visually attractive and are sympathetic to local character, including landscape setting.

Section 15 of the Framework requires that new developments contribute to the enhancement of the natural environment by recognising the intrinsic character and beauty of the countryside.

Policy SS of the Local Plan states:

“The Council will focus growth and investment in and around the Key Service Centres, with development supported in other areas taking account of the suitability of the site, its sustainability and the needs of the local area, whilst protecting the landscape and existing built form and the character of rural areas.”

Strategic Policy SD2 of the Local Plan states:

“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.”

Policy ENV1 of the Local Plan requires the highest standard of design and appearance in new developments and expects all proposals to take account of the character and appearance of the local area.

“All proposals for new development in the Borough will be expected to take account of the character and appearance of the local area”.

Policy ENV3 of the Rossendale Local Plan states:

“The distinctive landscape character of Rossendale, including large scale sweeping moorlands, pastures enclosed by dry stone walls, and stonebuilt settlements contained in narrow valleys, will be protected and enhanced.

The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment...”

Concerns have been raised regarding the size of the proposed agricultural building and its location within the landscape. Whilst the proposed building would not necessarily be small, it is not considered that the proposed building would appear unduly large when taking into account its proposed use, the site’s context and the size of the applicant’s land holding. The local area is characterised by open fields and the building would not appear out of keeping with the rural character of the area – given such buildings have a clear affinity with the countryside. Furthermore, the proposed facing materials of the building’s construction are of a type that are normally used for development of this nature.

In light of the above the development is considered acceptable in terms of visual amenity and its impact on the character and appearance of the countryside. Accordingly, the proposal complies with the requirements of Policies ENV1 and ENV3 of the Local Plan and Sections 12 and 15 of the Framework.

Neighbour Amenity

No residential properties are located near to where the proposed agricultural building is to be sited, and in view of this it is not considered that the proposed building would significantly detract from the living conditions of residents living nearby as a result of it being used to house livestock.

Having regard to the above, it is considered that the proposed development is acceptable in terms of neighbour amenity. As such, the proposal complies with Section 12 of the Framework and ENV1 of the adopted Local Plan.

Highway Safety

The Local Highway Authority has raised no objection to the proposed development, which is considered to be acceptable in terms of highway safety.

Other Considerations

United Utilities commented that there was an easement dating from 1911 within the proposed development site. The applicant has investigated the matter and provided a plan which confirms the easement appears to refer to a small pond located a significant distance from the application site. The case officer considers that the applicant has adequately investigated this matter.

9. SUMMARY REASON FOR APPROVAL

The building is to be used for agricultural purposes, a use that is considered acceptable in principle in this countryside area. Furthermore, subject to conditions, it is considered that the development will not unduly detract from the visual amenity of the area, from the amenities of adjoining neighbours nor will it give rise to any undue highway safety concerns. The development is therefore considered to be in accordance with the requirements of Policies SD1, SD2, ENV1, ENV3, ENV7 and ENV8 of the Local Plan and the National Planning Policy Framework.

10. CONDITIONS

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

Reason: Required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in strict accordance with the following drawings:
 - Location Plan ref. MG.230722.A.
 - Proposed Plan titled 'agricultural building' drawing no. MG-20-07-22-E

Reason: To define the permission and in the interests of the proper development of the site.

11. INFORMATIVES

1. 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.
2. During construction it is recommended that the development is implemented in accordance with the following measures to avoid harm to any badgers or other wildlife within the local area:
 - Any trenches or deep pits that are left open overnight should be provided with a means of escape, in the event a badger enters. This can be a plank of wood set at no more than 45 degree angle to the surface.
 - Any trenches or holes that become waterlogged should be covered until required.
 - Any holes or trenches with wet concrete should be covered overnight until concrete is set.
 - When breaking soil if any badger tunnels are disturbed all work should cease until a suitably qualified professional can assess the situation and advise accordingly.
 - If any badgers are found in trenches or are harmed as a result of the development, advice should be sought from a suitably qualified professional.
 - The storage of topsoil or other soft building materials within the site should be given careful consideration. Badgers will readily adapt such mounds as setts which would then be afforded the same protection as established setts. Mounds should be inspected daily before work commences.
 - Chemicals should be stored away securely so they cannot be accessed or knocked over by any inquisitive badgers.
 - Open pipework with a diameter of more than 120 mm should be covered at the end of each working day to prevent badgers entering.