

Application Number:	2023/0129	Application Type:	Full
Proposal:	Full: Application for agricultural building	Location:	Fold Head Farm Hall Fold Whitworth Rochdale Lancashire OL12 8XL
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	27.06.2023
Applicant:	Michaela Hayhurst	Determination Expiry Date:	30.06.2023 (Extension of time agreed)
Agent:	Steven Hartley		

Contact Officer:	Storm Grimshaw	Telephone:	01706 252411
Email:	planning@rossendalebc.gov.uk		

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

Approval subject to the conditions contained within this report.

2. SITE

Fold Head Farm is to the end of Hall Street in Whitworth and comprises a complex of buildings located within, but to the edge of, the defined urban boundary. According to the submitted planning statement the applicant's land holding covers 15 acres and extends into the countryside which surrounds the farmhouse to the north, west and south of the site. The surrounding countryside is designated as Green Belt and contains a network of public footpaths and bridleways.

The main farmhouse and attached barn are of traditional construction and considerable age. A contemporary detached building is also located to the north of the farmhouse.

The site itself is an irregular shaped parcel of land within the agricultural field northwest of Fold Head Farm. The site is to the east of bridleway no. 1405112 where access would be taken from. At the time of the case officer's site visit the field was being grazed by a small number of sheep/lambs

3. RELEVANT PLANNING HISTORY

2022/0188 – Discharge of Condition 7 pursuant to planning application 2022/0006. (Approved).

2022/0006 – Full: Menage for domestic use. (Approved).

2014/0312 – Householder: Conversion of part of agricultural buildings into bedroom, games room & conservatory of attached house. (Approved).

X/2004/330 – Full: Following demolition of existing structure proposed erection of timber framed agricultural building (This application may affect the setting of Public Footpaths 72, 111,112 & 115). (Approved).

4. PROPOSAL

The applicant seeks planning permission to erect an agricultural building with a footprint measuring 20000mm x 10000mm. The building would be two-storey in height with an eaves height of 4200mm and a ridge height of 5200mm. All elevations of the building would be clad with vertical Yorkshire boarding with 2m natural stone faced wall below, whilst its pitched roof would be formed from corrugated mineral fibre roof cladding.

The building would be positioned at an angle with its front elevation containing a full-height timber sliding door facing southwest. An access taken from bridleway no. 1405112 would lead to the front of the building, formed from consolidated limestone.

The planning statement states:

“The proposed development is for an agricultural building, 20 metres by 10 metres, for general farming storage including hay, lambing and sheep fattening. The farm extends

to some 15 acres and currently includes a sheep flock which the applicant intends to increase in size.”

5. POLICY CONTEXT

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 6 Building a strong, competitive economy
- Section 12 Achieving Well Designed Places
- Section 13 Protecting Green Belt land
- 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

Other material considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Response
LCC Highways	No objection, informative recommended.
Whitworth Town Council	No comments received.
Lancashire Badger Group	No comments received.
LCC Rights of Way	No objection, but concerns raised in respect of the impact construction traffic may have on bridleway BW1405112.

7. REPRESENTATIONS

In order to publicise the application a site notice was posted.

Five objections have been received, raising the following concerns:

- Inadequate access which is narrow, restricted and in a poor state of repair; not suitable for modern construction vehicles and increases in traffic. The lane should

- not be allowed to deteriorate any further. Condition of access road also limits access from emergency service vehicles and poses health and safety risk.
- No mention of development using private road recently laid for construction traffic rather than Hall Fold track.
 - No information on the number/type of construction vehicles required for the development. Construction traffic will impact the living conditions of local residents through increased traffic, restricting access and increased noise.
 - The reasons, concerns and conclusions found in the Appeal Decisions accompanying the planning submission are in line with an objector's concerns. Considers building could be better sited within landscape so it less visually intrusive.
 - Fold Head Farm is not an agricultural business, has not been a working farm for over 30 years, and is classed as a domestic property, which raises concerns as to why a building of this size is required within Green Belt.
 - No information concerning what water supply would be used to ensure the wellbeing of livestock on site. Further concerns regarding the safeguarding of existing water supply to local residents.
 - No information concerning the number of livestock to be housed within the building.
 - Concerns regarding surface water drainage, with a recent increase in surface water outflow running down the bridleway and deteriorating its condition.
 - Concerns construction phase of development will prevent access for Lower Fold Head Farm who require 24/7 access to their agricultural land further up New Road.
 - Agricultural building is large in scale and implies housing a significant flock of sheep requiring significant agricultural vehicles and machinery.

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity and Impact on Green Belt
- 3) Neighbour Amenity;
- 4) Access, Highway Safety and Public Rights of Way
- 5) Water Supply and Surface Water Drainage

Principle

The application site is located within the countryside on land designated as Green Belt.

Paragraph 147 of the Framework states:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Paragraph 149 of the Framework states:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry”.*

Having regard to the exception in the Framework identified above, the proposed development is considered to be acceptable in principle.

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 and size of the building proposed, commenting that Fold Head Farm is not in agricultural use. It should be noted, however, 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.

In this case, the applicant has set out their reasoning for requiring the building and there is no evidence before the case officer to suggest that this reasoning is not sound. At the time of the case officer's visit to Fold Head Farm the field where the proposed building would be located contained (albeit relatively few) grazing sheep/lambs and it is noted in the planning statement that the applicant's intention to increase the size of their flock. Whilst the farm contains an existing barn attached to the main residence, it is of traditional construction and limited in its overall size. 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 Green Belt

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. The land surrounding the farm is primarily 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 (which in this case is designated as Green Belt). The proposed facing materials of the building’s construction are of a type that are normally used for development of this nature (i.e. timber cladding and fibre roofing sheets), whilst the use of natural stone would respond to the traditional stone-built dwellings nearby.

In light of the above the development is considered acceptable in terms of visual amenity and its impact on the openness of the Green Belt and 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, 13 and 15 of the Framework.

Neighbour Amenity

The building would be well separated from nearby residential properties in the area 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.

It is also acknowledged that Fold Head Farm has an attached barn which is currently used, at times, to house livestock (when required), alongside the stabling of horses. The barn in question is significantly closer to nearby residents and it is expected that the proposal will avoid the need to house livestock within the existing barn should the development be approved.

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.

Access, Highway Safety and Public Rights of Way

Objectors' concerns regarding the access to the site and the potential impact of the development on the road leading to the site are noted. Lancashire County Council's Rights of Way (LCCROW) team have also raised concerns regarding the potential impact construction traffic will have on the surface of the bridleway.

To address the concerns relating to the development's potential impact on the surface of Hall Street/bridleway BW1405112 planning conditions have been recommended below, requiring pre and post-construction surveys of Hall Street/bridleway BW1405112, and that the condition of the road following construction is reinstated to its original condition prior to first use of the development. LCCROW have confirmed they have no concerns with the above approach.

It is noted that LCCROW have not formally objected to the application and have only raised concerns relating to the effect of construction phase traffic - not traffic generated by the use of the proposed agricultural building in question. It is considered that the level of traffic generation associated with the use of the building would be such that the development would not adversely affect the use or amenity of Hall Street/bridleway.

The local highway authority has also confirmed they have no objection to the proposed development and have recommended an informative reminding the developer that they are not entitled to obstruct a public right of way. The planning agent has confirmed that any construction material and parking associated to the construction phase of the development can be accommodated on land immediately adjoining where the building would be constructed.

Therefore, subject to the conditions recommended below, the proposed scheme is acceptable in regard to access, highway safety and the impact on public rights of way.

Water Supply and Surface Water Drainage

Government guidance contained within Water supply, wastewater and water quality published 23 March 2015 states that water supply is unlikely to be a consideration for most planning applications. The exceptions detailed in the Government guidance would not cover the possible contamination of private water supplies from works being undertaken.

The concerns relating to the private water supply have been raised with the applicant and they have confirmed that the water supply is not close to the location of the proposed building.

It should also be noted that the Council's report produced when determining application 2022/0006 commented:

"In this case Environmental Health have visited the site and tested the water. They consider that the work undertaken by the applicant to improve the water supply is beneficial overall including the provision of a water pipe where the supply previously flowed above ground. They have served notice on some local residents to improve the standard of their water supply."

In terms of surface water it is not considered that the development would materially increase the level of surface water runoff affecting Hall Street/bridleway BW1405112 given the location of the proposal and its distance from the access road.

9. SUMMARY REASON FOR APPROVAL

The building is to be used for agricultural purposes, a use that is considered acceptable in principle within this area of countryside designated as Green Belt. Furthermore, if the proposed building would not unduly detract from the visual amenity of the area, from the amenities of nearby neighbours nor will it give rise to any undue highway safety concerns or further deterioration of Hall Street/bridleway BW1405112 subject to the conditions recommended below. The proposal is therefore considered to accord with the provisions of the National Planning Policy Framework and Policies SS, SD1, SD2, ENV1 and ENV3 of the adopted Local Plan.

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 unless required by the conditions below:

- Application form signed 16 March 2023
- Location plan ref. MH.160323.A.
- Proposed Site Plan drawing no. FH-04-03-23-B
- Building details drawing no. FH-04-03-23-C

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

3. No development shall take place until a survey of the condition of Hall Street/bridleway ref. BW1405112 has been submitted to and approved in writing by the local planning authority. The survey must consist of:

- A plan showing the location of all defects identified;
- A written and (clearly dated) photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Reason: To ensure that any damage to Hall Street/bridleway ref. BW1405112 sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

4. Once the development has been substantially completed, but prior to the first use of the building hereby permitted, a post-construction survey of the condition of Hall Street/bridleway ref. BW1405112 shall be submitted to and approved in writing by the Local Planning Authority. The survey must consist of:
 - A plan showing the location of all defects identified;
 - A written and (clearly dated) photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Prior to first use of the building, Hall Street/bridleway ref. BW1405112 shall be reinstated to a condition no worse than it was immediately prior to the commencement of works, to the satisfaction of the Local Planning Authority.

Reason: To ensure that any damage to the highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

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. The grant 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 be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district and planning application number, to discuss their proposal before any development works begin.
3. 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.

Fold Head Farm, Hall Fold, OL12 8XL

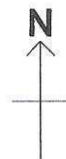


Fold Head Farm
Hall Fold,
Whitworth,
Rochdale,
Lancashire
OL12 8XL

OS MasterMap 1250/2500/10000 scale
Monday, December 20, 2021, ID: MPMBW-01009727
www.blackwellmapping.co.uk

1:1250 scale print at A4, Centre: 387769 E, 417896 N

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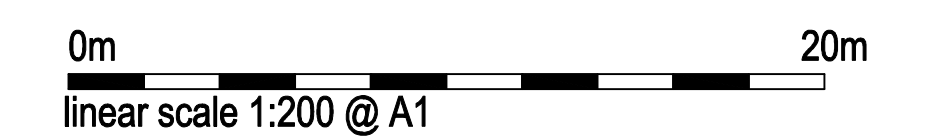


proposed site plan

proposed agricultural storage building
at

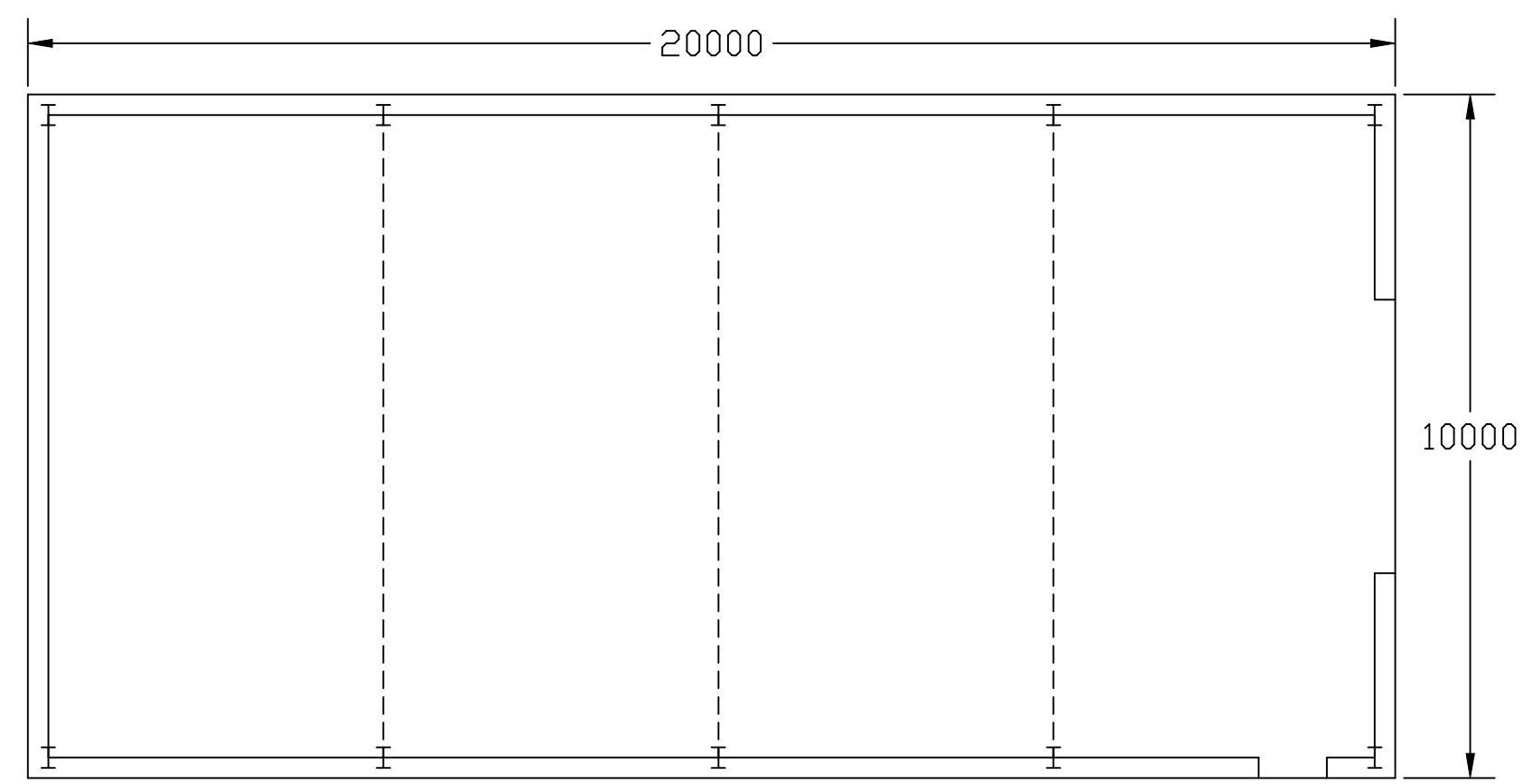
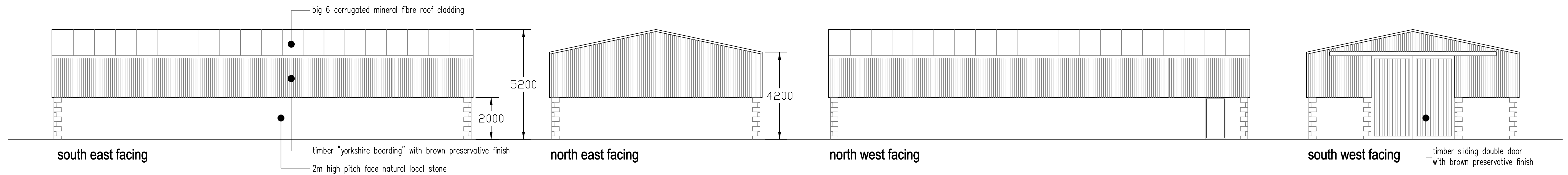
New Road Fold Head Whitworth

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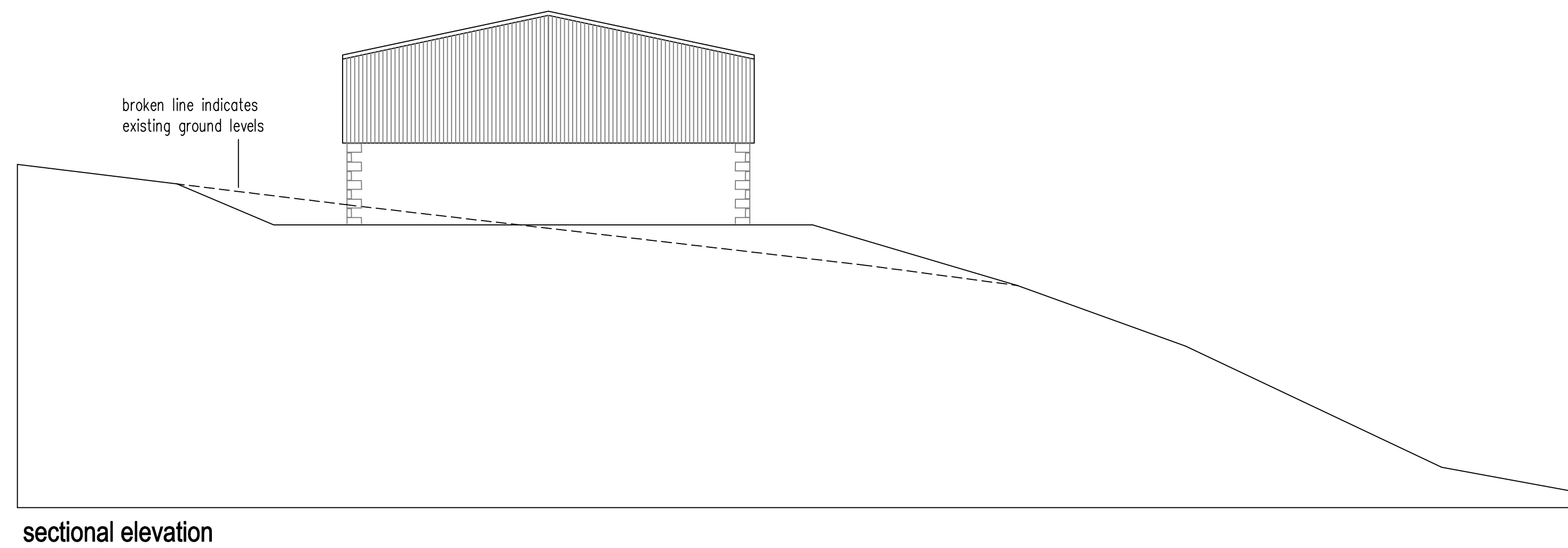


drawing number FH-04-03-23-B

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214 Burnley Road Bacup Lancashire 01706 873000



floor plan

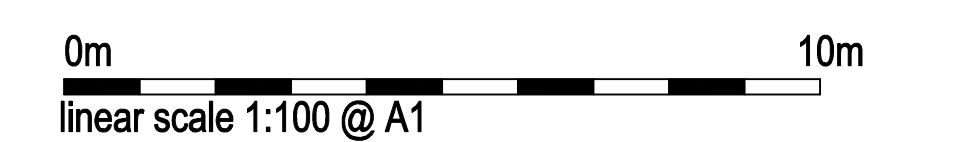


building details

proposed agricultural storage building
at

**New Road
Fold Head
Whitworth**

scale 1:100 @ A1



drawing number FH-04-03-23-C

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