

Application Number:	2024/0091	Application Type:	Variation of Planning Condition
Proposal:	Variation of conditions 2 & 5 pursuant to planning approval 2022/0235	Location:	Pilling Barn, Tunstead Lane, Booth Road, Stacksteads. Bacup, OL13 8NE
Report of:	Head of Planning	Status:	For publication
Report to:	Development Control Committee	Date:	21/05/2024
Applicant:	Mr and Mrs A Evans	Determination Expiry Date:	03/05/2024 extension agreed until 01/06/2024
Agent:	Steven Hartley		

Contact Officer:	Chris Beebe	Telephone:	01706 252432
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):	

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 planning permission be approved subject to the conditions set out in this report.

2. THE SITE

The application site is an irregularly shaped plot of land approximately 0.1 hectares in area. It is located on a hillside approximately 130 metres north east of the junction of Booth Road and Tunstead Lane within identified Green Belt.

The land is largely open and part grassed and part surfaced with hardcore a small portion of the site was previously occupied by a derelict building. It forms part of a larger agricultural unit of some 2.5 hectares (6 acres).

3. RELEVANT PLANNING HISTORY

2022/0235 Full: Replacement agricultural building (inc 2 stables), and a ménage and formation of new hard surfaced parking/turning area (Approved July 2022)

4. PROPOSAL

Planning permission is sought:

- To relocate the Agricultural Building and Riding Arena slightly northward on the site toward the hillside with inclusion of a retaining wall. The size of the building is unchanged from that approved.
- Amend the landscaping plan with changes to manoeuvring areas.

The applicant has stated that ground conditions necessitated the relocation

The application is in part retrospective with the agricultural building having been erected.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 6 Building a Strong Competitive Economy

Section 9 Promoting Sustainable Transport

Section 11 Making Effective Use of Land

Section 12 Achieving Well Designed Places

Section 13 Protecting Green Belt Land

Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 Conserving and Enhancing the Natural Environment

Development Plan Policies

SD1 Presumption in Favour of Sustainable Development

SD2 Urban Boundary and Green Belt

ENV1 High Quality Development in the Borough

ENV3 Landscape Character and Quality

ENV4 Biodiversity, Geo-diversity and Ecological Networks

ENV6 Environmental Protection

ENV9 Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality

ENV10 Tree and Hedgerows

TR4 Parking

LT5 Equestrian Development

Other

National Planning Practice Guidance

6. CONSULTATION RESPONSES

LCC Highways:- No objection

RBC Environmental Health:- No comments received

RBC Tree Consultant:- No comments received

LCC Rights of Way:- No comments received

British Horse Society:- No comments received

Greater Manchester Ecology Unit:- No Objection

Lancashire Wildlife Trust:- No comments received

7. REPRESENTATIONS

The application was advertised by means of neighbour letters along with a site and press notice. The overall expiry date was 14/04/2024.

3 objections and 4 letters of support have been received citing the following grounds.

Objection

- Impact Right of way
- Application is retrospective
- Encroachment
- Safety Concerns

- Access concerns
- Drainage / flooding
- Harmful to visual amenities
- Building is too large
- Earth has been left on site
- Trees have been felled
- Trees could be damaged
- Erosion and subsidence could occur

Support

- New building is an improvement when compared to previous building
- New building is well located and will enhance visual amenities
- Trees will be planted
- Building will enhance the area
- Old bar was an eyesore
- Might increase property prices

8. ASSESSMENT

The main considerations in this case are as follows:

The main issues for consideration in this instance are:-

- 1 Principle
 1. Visual Amenity
 2. Neighbour Amenity
 3. Highway Safety / Public Rights of Way
 4. Tree Issues
 5. Ecological Issues
 6. Erosion and subsidence

Given an extant permission exists for a building (of the same size) and a riding arena the principle consideration is the nature of any new / additional impacts brought about by the relocation when considered against the extant permission.

Principle

The applicants propose to use the new agricultural/equestrian building and the new riding arena solely for their own personal use. Development of this nature is normally considered acceptable in principle within identified Green Belt such as this.

In addition, it is considered that, located in the positions proposed, both the building and the arena would not unduly affect or harm the openness or character of the area (for reasons set out in the 'Visual Amenity' Section below). With the above in mind this proposals are considered to be acceptable in principle.

The changes when compared to the permitted scheme are minor.

Visual Amenity

The new building will stand on a hillside approximately 37 metres to the north east of Pilling Barn. Nevertheless it is not envisaged that it will significantly impinge upon the openness of the area as:-

- it will not be an unduly large structure measuring approximately 18.3 metres (length) x 10.6 metres (width) x 4.9 metres (height to eaves) 6 metres (height to ridge).
- it relates closely to the approved scheme.
- there are other buildings to the immediate north east,
- The proposed landscaping will screen the development mitigating visual impact.

The building is considered to be of an appropriate design for an agricultural structure and will be constructed of what are considered to be appropriate materials. It will incorporate a pitched roof and will be constructed of vertical stained timber 'Yorkshire Boarding' on a two metre concrete block plinth under a grey corrugated mineral fibre panel roof.

The proposed riding arena is fairly typical in design and scale terms for this type of development and is therefore considered acceptable in both respects. It will cover a ground area of approximately 40 x 20 metres, will be surfaced using a combination of rubber and bark and will be enclosed by 1.2 metre high stained timber post and rail fencing. It will also be visible from parts of Tunstead Lane and this will be exacerbated by the proposal to slightly raise the height of the land on which part of it is to be constructed. However, it will also be partially screened from that highway by the proposed new tree planting referred to above.

The new stone hardcore parking/turning area will be quite extensive but will be largely hidden from general view by the new building, arena and trees/bushes. In view of this, and since there are already some hardcore surfaced areas on the site, it is considered that no reasonable objection could be raised to this element of the proposal in visual amenity terms.

It is again worth noting that the current proposals involve only a minor variation in terms of siting from the approved scheme with no changes to the structures in terms of scale.

The area of hardstanding to be used for manoeuvring horseboxes is being reconfigured but the quantum of hardstanding and location are similar to the approved scheme having no detrimental impacts upon the visual amenities or character of the Green Belt when compared to the extant scheme

In view of the above, subject to a condition requiring the implementation of the new screen tree planting, it is considered that the developments will not harm or significantly impinge upon the openness of this Green Belt countryside area. On this basis it is considered, on balance, that they will reasonably satisfy the requirements of Policies SD2, LT5, ENV1 and ENV3 of the Local Plan and Sections 12, 13 and 15 of the NPPF in visual amenity terms.

Neighbour Amenity

a) Daylight

The developments will stand some 28 metres away from the nearest of the adjoining dwellings (1 Middle Tunstead Farm). Consequently, they will not affect the level of light that this, or any other property, currently receives nor can the proposals be considered to be over-dominant.

b) Noise/Odour

As indicated above the developments will stand near to other separately owned dwellings. However, as they are to be used solely by the applicants it is not envisaged that any noise or odour that they generate will cause undue disturbance to the occupants. In coming to this view consideration has been given to the fact:-

- the proposed 'muck heap' is in a similar location to the approved plans and is well separated from neighbours
- that the developments are to be located within the countryside where residents could reasonably expect to experience a degree of agricultural/equine odour, and
- that the Council's Environmental Health Service have raised no objections to the proposals.

In view of the above it is considered that the proposals will reasonably safeguard the residential amenities currently enjoyed by the occupiers of nearby properties. It is therefore considered that they will satisfy the requirements of Policies ENV1, ENV6 and LT5 of the Local Plan and Section 15 of the NPPF in neighbour amenity terms.

Highway Safety

Vehicular access to this site is currently gained via Tunstead Lane. This arrangement mirrors that of the approved scheme. Accessing it in this way is not considered ideal as the lane is narrow and unmade. Nevertheless, it is not envisaged that a privately used agricultural/equestrian building and arena would significantly increase the vehicular use of this highway over and above the level of use that it is currently experiencing. In view of this, and as these proposals make provision for the parking and turning of vehicles and associated horse boxes, it is considered that it would be difficult to raise any objections to them on highway safety grounds in this instance. County Highways do not object.

Tunstead Lane is a definitive public footpath and other public footpaths also pass near the site of the proposed development. However, it is not envisaged that the development will cause harm to the former because of the negligible increase in vehicular use that it is likely to generate, and it will not affect the 'lines' of any of the latter. No objection has been received from LCC's public rights of way team.

In view of the above it is considered that the proposals will be acceptable in highway safety terms reasonably satisfying the requirements of Policies LT5 and TR4 of the Local Plan in this regard.

Tree Issues

It is understood that a number of trees were removed prior to the extant planning permission being implemented. The applicant was entitled to carry out tree removal as the trees were not protected.

The proposed Landscaping Plan proposes compensatory tree planting with the proposed trees providing a degree of screening to the building.

Ecological Issues

The proposals will involve the removal of some scrub and this could affect nesting birds although the much of the works have been completed already. As a safeguard therefore, it is recommended that a condition is imposed on any approval preventing the clearance of any further vegetation from the site during the bird nesting season.

There is pond to the east of the site. However, it is understood that this has been constructed quite recently and it is therefore very unlikely to have been colonised. Consequently, no mitigation measures are considered necessary to safeguard great crested newts.

Planning policies require that development should normally include suitable ecological measures to enhance the biodiversity of the site. In this instance, the new tree planting proposed by the development is considered to be sufficient to mitigate against any loss and no further works are therefore considered necessary.

The proposals have been considered by the Greater Manchester Ecological Unit who raise no objections to them subject to conditions and informatives designed to cover the above.

Subject to the imposition of such conditions/informative it is considered that in ecological terms the development will be acceptable reasonably meeting the requirements of Policies ENV1 and ENV4 of the Local Plan and Section 15 of the National Planning Policy Framework in this regard.

Erosion and subsidence

This is a matter for the building regulations, rather than a planning matter in this case.

9. CONCLUSION

The proposals are considered to be acceptable in principle, and would not cause undue harm to visual amenity, residential amenity or highway safety. As such, the development accords with the requirements of the National Planning Policy Framework and the Council's adopted Local Plan.

10. CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following drawings received on 07/03/2024 , unless otherwise required by the conditions below:

Location Plan
Plan of Agric Unit

Existing Site Plan Prior to start of extant approval
Proposed Building details
Proposed Landscaping
Proposed Site Plan

Reason: For the avoidance of doubt.

- 2) The stables and riding arena hereby approved shall be used solely for private purposes and not, at any time, for any commercial use including use for livery and/or in connection with any equestrian event.

Reason: In the interests of highway safety, in accordance with the requirements of Policy LT5 of the Council's adopted Rossendale Local Plan 2019 to 2036.

- 3) At no time shall any form of external illumination or sound amplification be erected or used in association with the development hereby permitted.

Reason: To safeguard the essentially open rural character of the countryside and in the interests of visual and neighbour amenity in accordance with the requirements of Policies ENV1, ENV3 and LT5 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 13 and 15 of the National Planning Policy Framework.

- 4) The planting scheme shown on approved drawing "Proposed Landscaping" shall be implemented in full within the first planting season following the substantial completion of the development. Any planting forming part of that scheme which, within a period of 5 years from the completion of those works, dies, is removed or become seriously damaged or diseased shall be replaced in the next planting season with replacement planting of similar size and species.

Reason: In the interests of visual amenity and the ecology of the area, in accordance with the requirements of Policies ENV1, ENV3, ENV4 and LT5 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 13 and 15 of the National Planning Policy Framework.

- 5) No further trees, shrubs or other vegetation shall be removed from the site between 1st March and 31st August inclusive unless a competent ecologist has first undertaken a detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority.

Reason: To safeguard nesting birds, in accordance with the requirements of Policies ENV1 and ENV4 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Section 15 of the National Planning Policy Framework.

- 6) Two swallow cups shall be provided as part of the development. These shall be attached to the new building before it is first brought into use and shall thereafter be satisfactorily retained at all times.

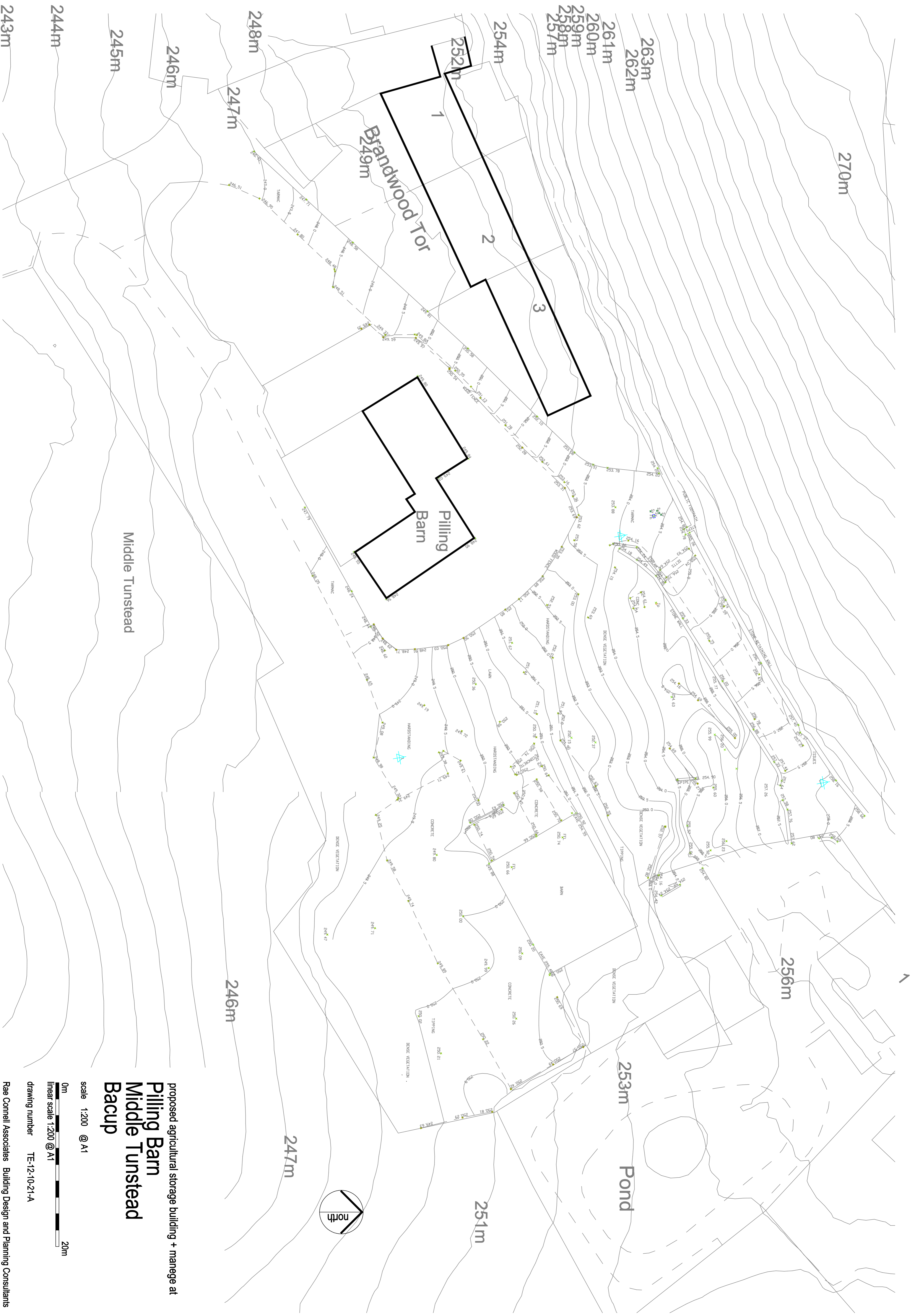
Reason: In the interests of the ecology of the area, in accordance with the requirements of Policies ENV1 and ENV4 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Section 15 of the National Planning Policy Framework.

- 7) The approved parking/turning area shall be constructed in accordance with the approved details, and in the approved position, before the approved building and riding arena are first brought into use. It shall thereafter be retained at all times solely for the parking and turning of vehicles in conjunction with those developments.

Reason: In the interests of visual amenity and highway safety, in accordance with the requirements of Policies ENV1, ENV3, LT5 and TR4 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 13 and 15 of the National Planning Policy Framework.

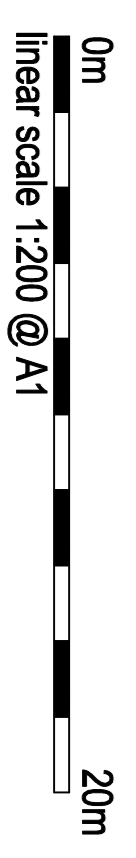
10. INFORMATIVES

- 1) The proposals comply with the development plan and would improve the economic, social and environmental conditions of the area. They therefore comprise appropriate development and the Local Planning Authority has worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement as set out in Paragraph 38 of the National Planning Policy Framework.
- 2) Public footpaths adjoin this site and the access to it is also via a public footpath. Please note that it is an offence to obstruct any of these in any way either before, during or after the completion of the development. For your information any proposal to stop-up or divert a right of way would need to be the subject of an Order under the appropriate Act. If this is proposed the applicants would need to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district and any relevant planning application number, to discuss their proposal before any development works begin.
- 3) There is a possibility that bats may be encountered during the development. Under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the development all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.



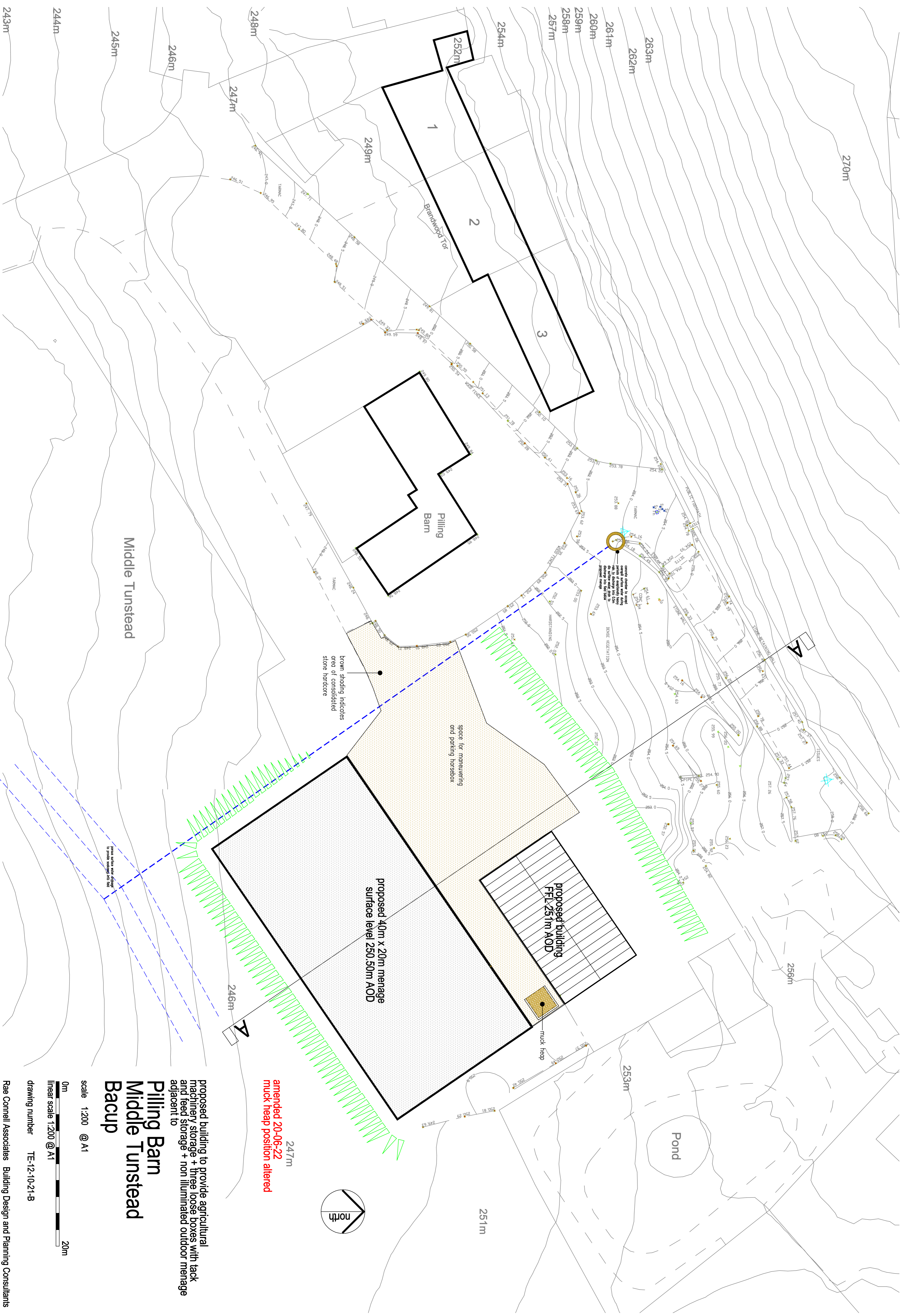
proposed agricultural storage building + manage at
Pilling Barn
Middle Tunstead
Bacup

scale 1:200 @ A1



drawing number TE-12-10-21-A

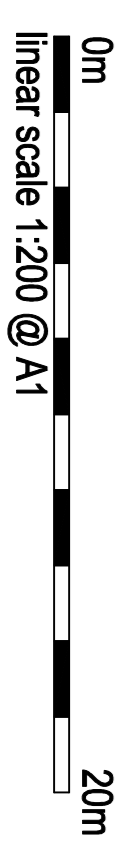
Rae Cornell Associates Building Design and Planning Consultants
 214 Burnley Road Bacup Lancashire
 01706 873000



247m
 amended 20-06-22
 muck heap position altered

proposed building to provide agricultural machinery storage + three loose boxes with tack and feed storage + non illuminated outdoor menage adjacent to
Pilling Barn
Middle Tunstead
Bacup

scale 1:200 @ A1



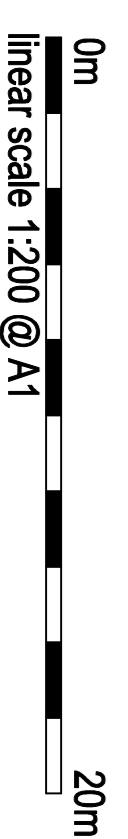
drawing number TE-12-10-21-B



Middle Tunstead

proposed agricultural storage building + manège at
Pilling Barn
Middle Tunstead
Bacup

scale 1:200 @ A1

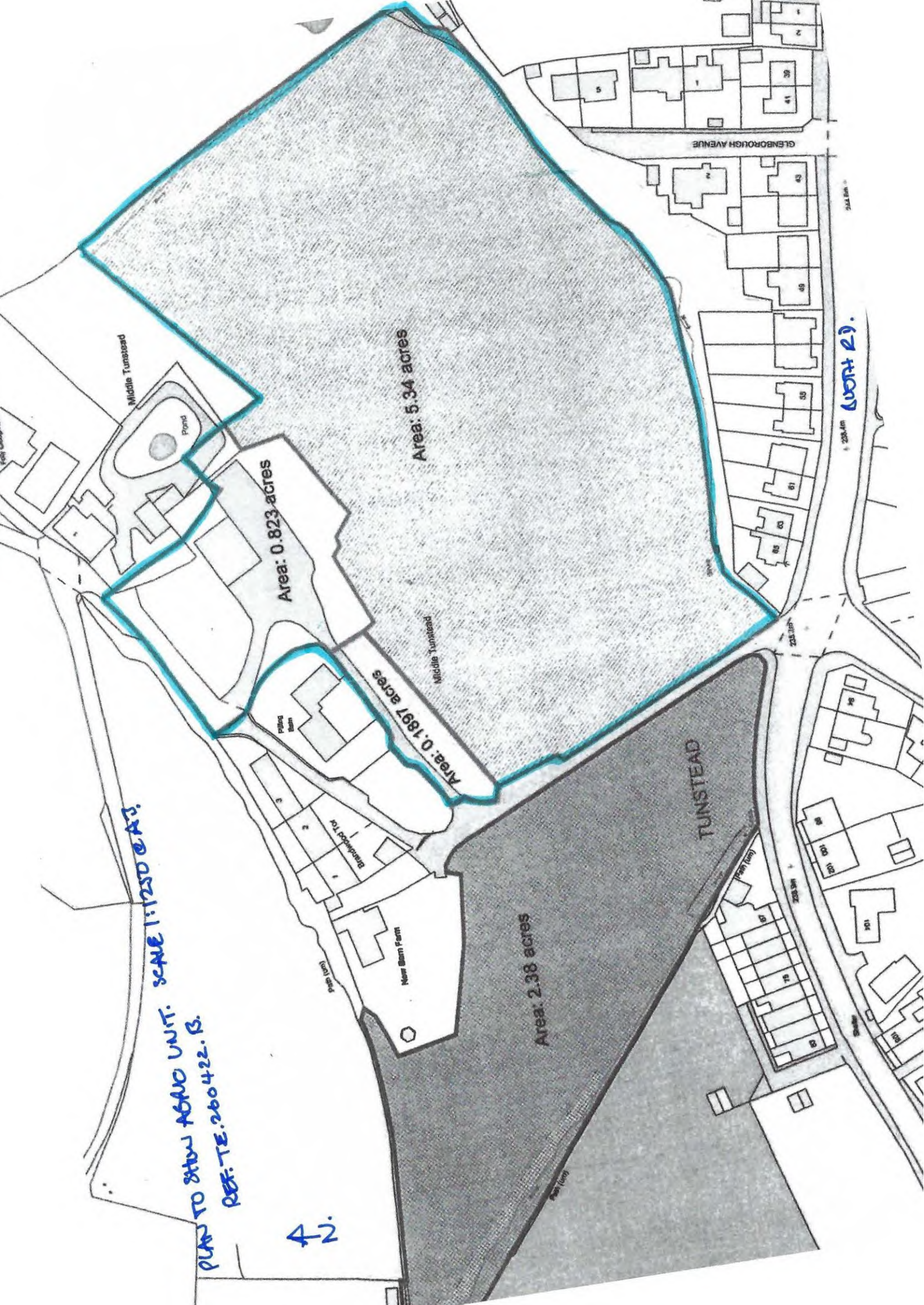


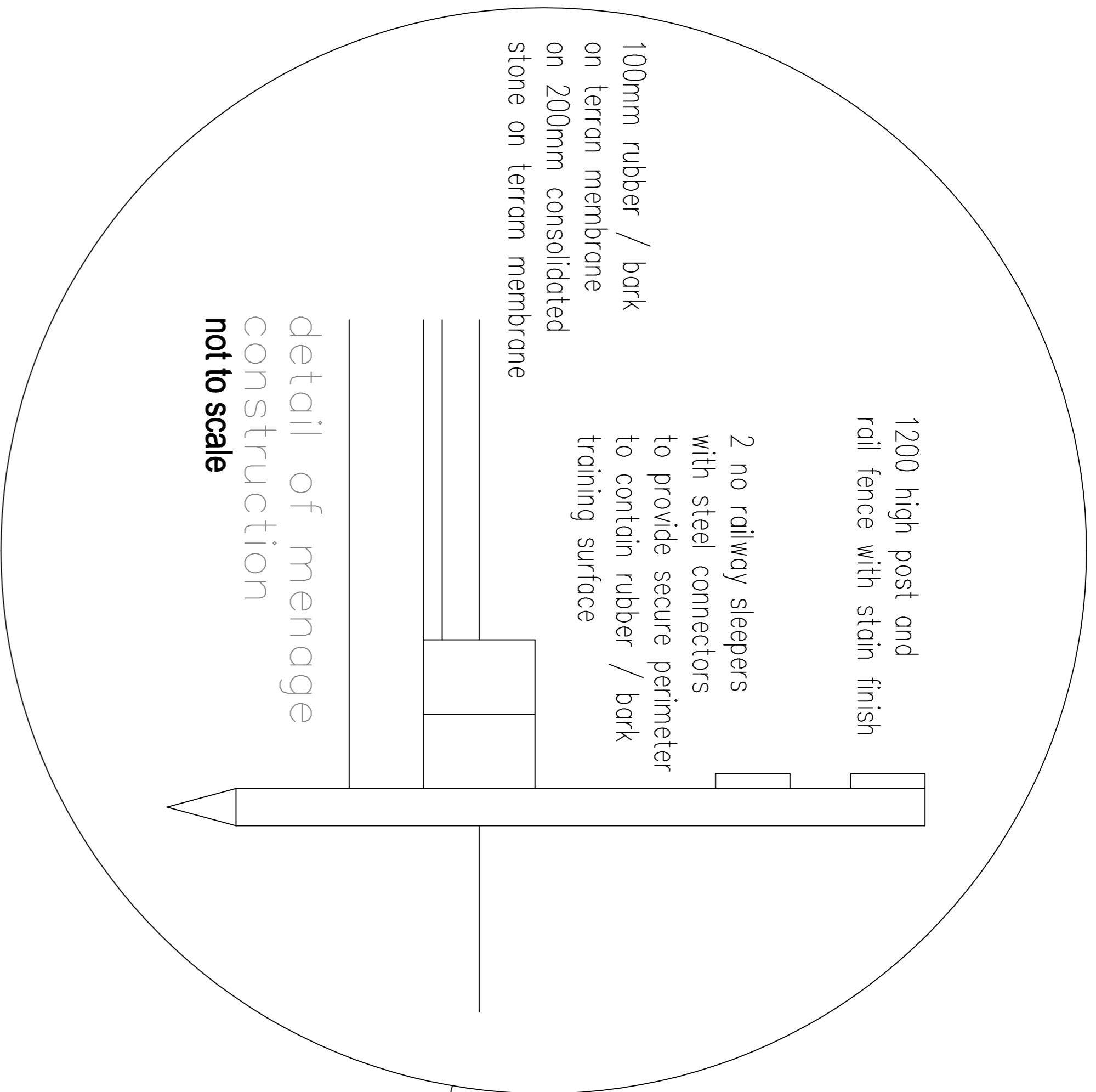
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SCALE 1:1250 @ A3

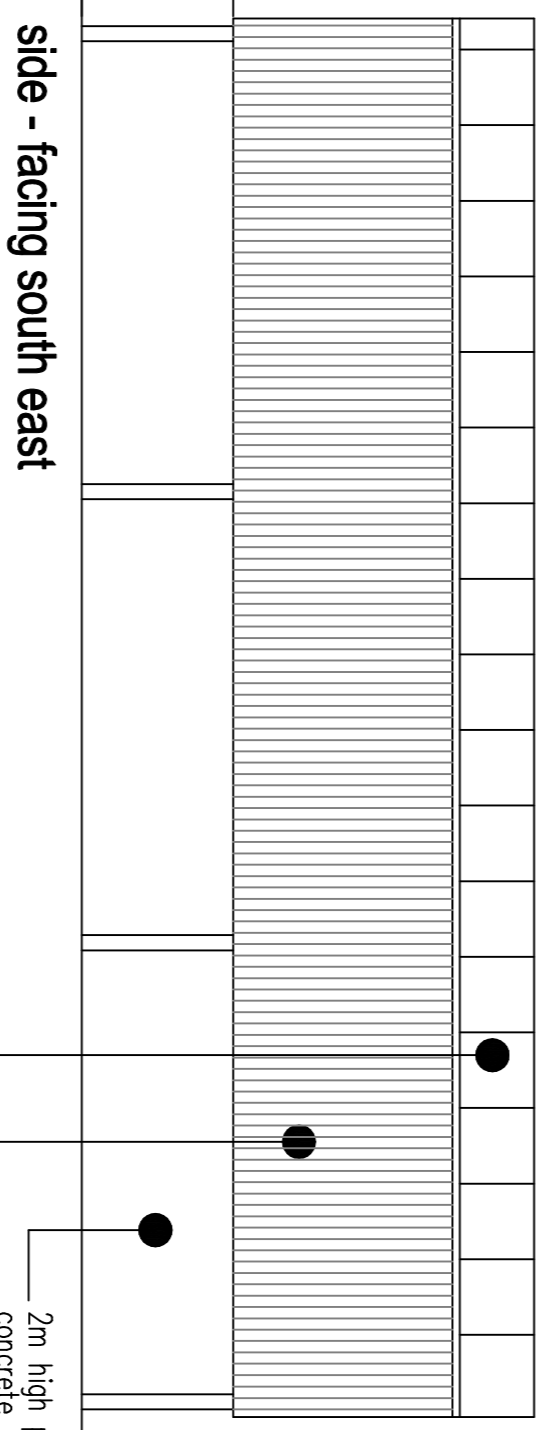
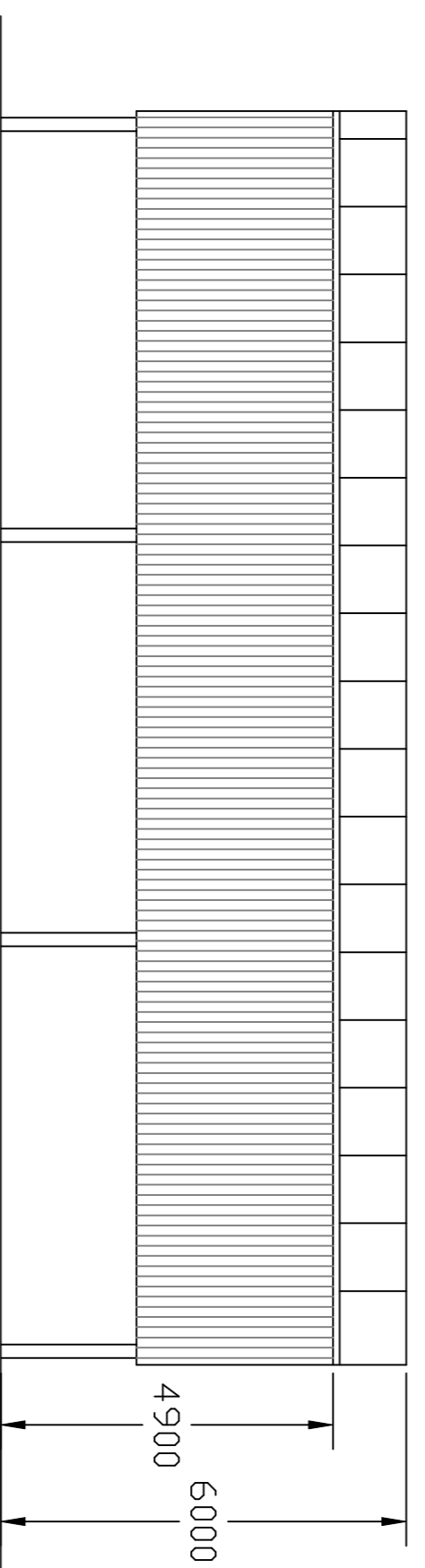
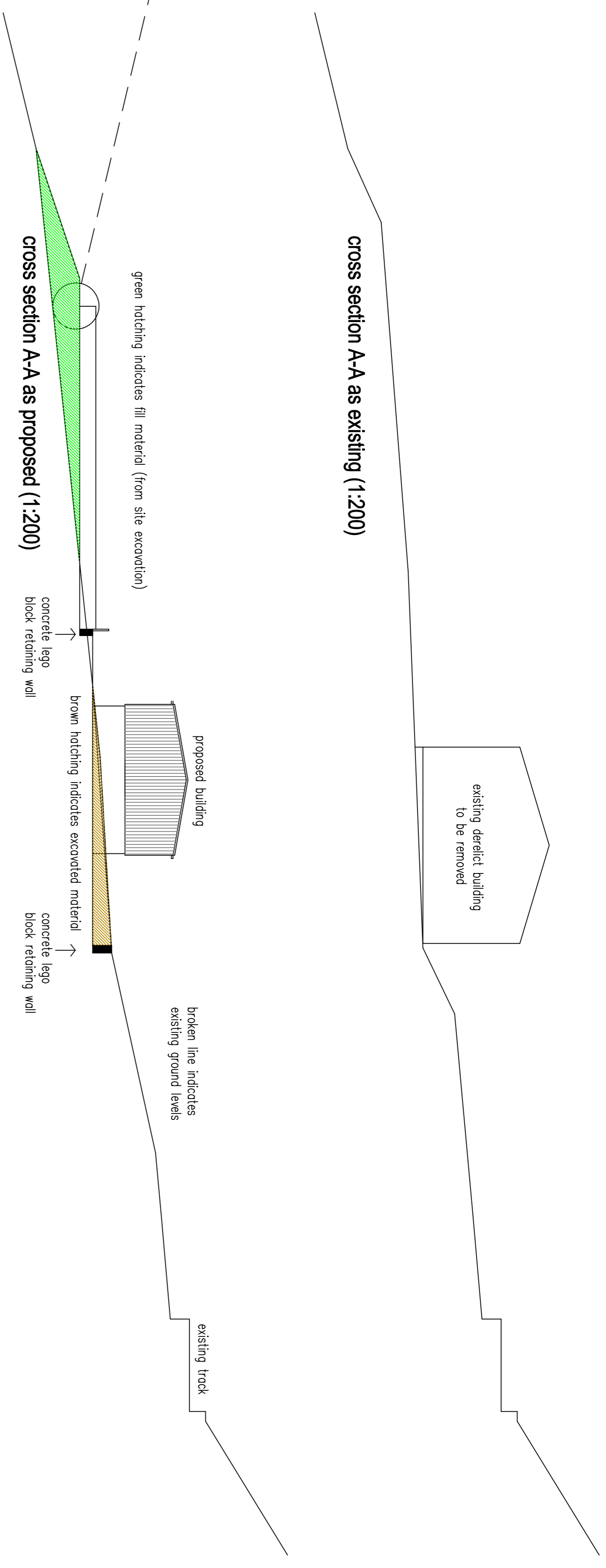
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A2

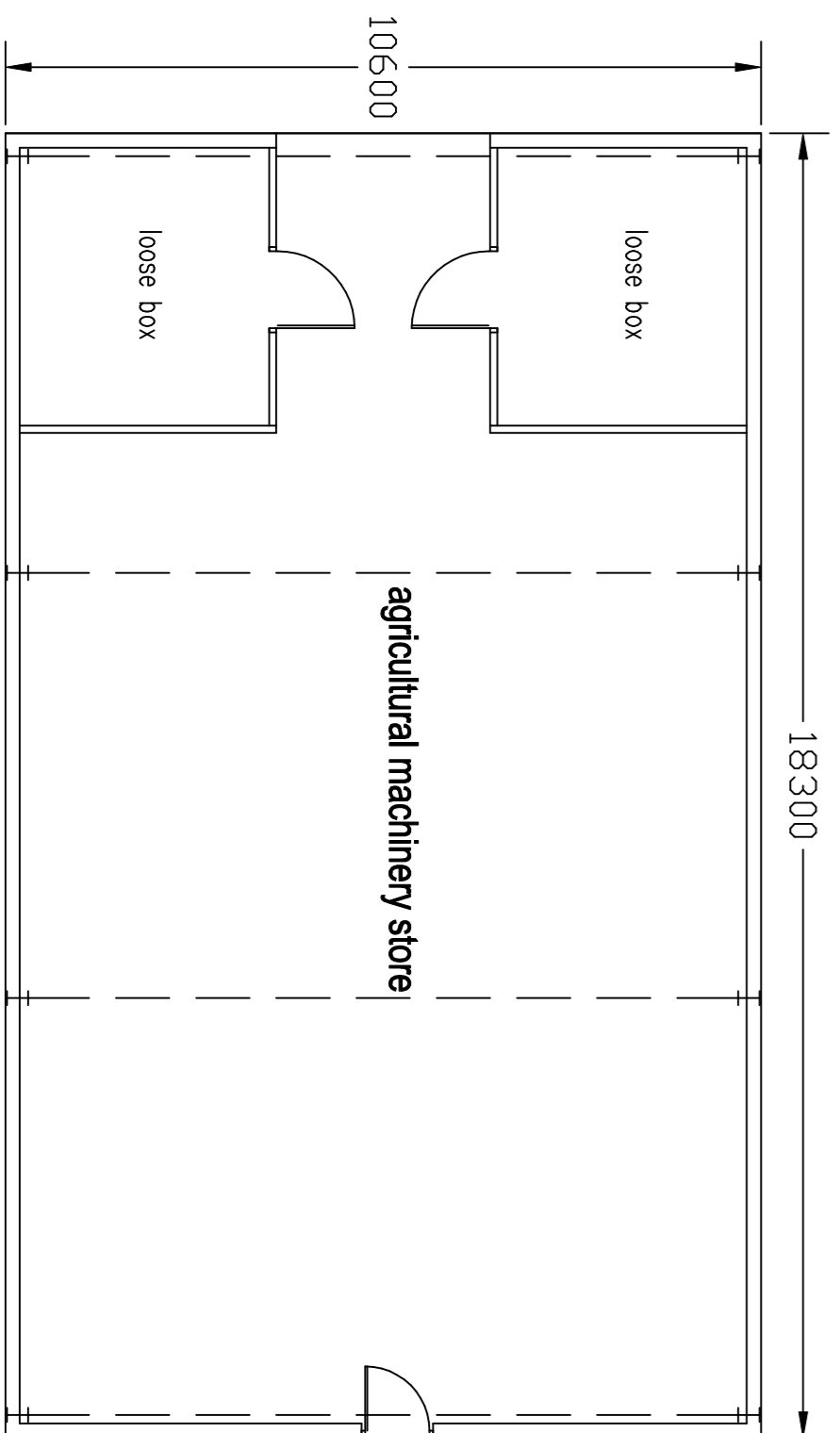
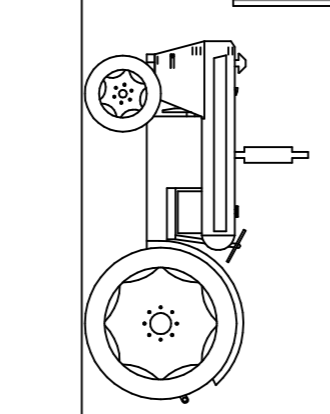
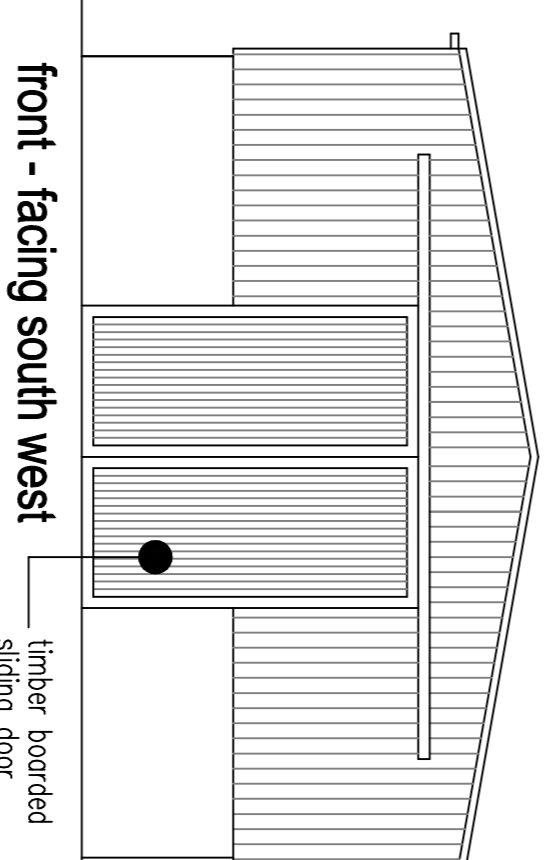




cross section A-A as existing (1:200)

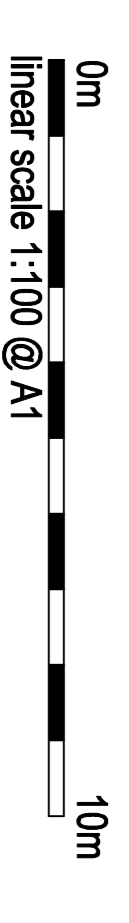


2m high pre-cast concrete panels
vertical yorkshire boarding
corrugated mineral fibre roofing panels
colour natural (grey)



proposed agricultural storage building + menage at
Pilling Barn
Middle Tunstead
Bacup

scale 1:200 1:100 @ A1



drawing number TE-04-03-24-B

Rae Connell Associates Building Design and Planning Consultants
214 Burnley Road Bacup Lancashire
01706 873000

Section 73 of the Town and Country Planning Act 1990

Application to vary a condition imposed upon Planning approval ref: 202218/0235 dated 11 July 2022

Replacement of an agricultural building (inc. 2 stables) and a menage, and formation of new hard surfaced parking/turning area

Pilling Barn Tunstead Lane Booth Road Stacksteads Bacup

Landscaping details

Ref:06-03-24-C



Areas hatched green to be tree whip planted.

All planting operations shall comply with BS 4428 (1989) & AMD, Code of Practice for General Landscaping Operations

Total minimum soil depths for planting including top soil and sub soil shall be 300mm subsoil plus 300mm topsoil.

Any imported subsoil to conform to Subsoil shall conform to BS 8601:2013

Topsoil to conform to B.S. 3882: 2015

Two-year-old whips to be notch planted at 2 metre centres and with rabbit guards.

Any trees dying within 5 years to be replaced.

Species

Species

Species	Common name	Latin name	%
	Alder	<i>Alnus glutinosa</i>	33
	Silver birch	<i>Betula pendula</i>	33
	Rowan	<i>Sorbus aucuparia</i>	34



