



Application Number:	2024/0192	Application Type:	Full
Proposal:	Full: Proposed erection of general purpose agricultural building size 18.3m (60ft) x 12.2m (40ft) to store agricultural machinery, winter animal feed/haylage and shelter for sheep in winter	Location:	Sheephouse Barn Greens Lane Stacksteads Bacup Lancashire OL13 0JS
Report of:	Head of Planning and Building Control	Status:	For publication
Report to:	Development Control Committee	Date:	15.10.2024
Applicant:	Mr T Whittaker	Determination Expiry Date:	15.10.2024 (Time extension added)
Agent:	Mr C Whittaker		

Contact Officer:	Chris Dobson	Telephone:	01706 238639
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
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 the application should be approved subject to conditions.

2. APPLICATION SITE

The application site is a flat area of existing hardstanding positioned to the north east of Sheephouse Farm. The site is accessed from the A681 Newchurch Road via Fairholme Lane, Acre Mill Road and Greens Lane. A small number of residential properties are located further to the north east of the site with the curtilage of Quarry View Cottage positioned closest with this sitting approximately 45m from proposed barn. A green metal container unit is currently positioned on the land.

The site is located within an area identified as countryside.

3. RELEVANT PLANNING HISTORY

No relevant planning history

4. PROPOSAL

The applicant proposes the construction of an agricultural building to house agricultural machinery, farm implements, winter feed / haylage and provide shelter for sheep in winter.

The proposed agricultural building has the following dimensions:

Length: 18.3m

Width: 12.2m

Eaves: 3.8m

Ridge: 5.45m

A 3.6m wide x 3m high roller shutter door is proposed along with a separate personnel door

The proposed materials for the elevations are concrete panels up to 1m with Yorkshire boarding above. The roof is to be clad in dark brown steel roofing sheets.

During the course of the application, the design of the building has been amended. The north elevation (facing towards the nearest residential dwellings) is now proposed to be constructed from solid boarding to restrict the escape of both light and odour with roof lights only proposed to be installed within the south elevation roof slope (facing away from the nearest residential dwellings).

5. POLICY CONTEXT

Policy Considerations

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 11 Making Effective Use of Land

Section 12 Achieving well-designed and beautiful places
 Section 15 Conserving and enhancing the natural environment

Development 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 ENV6: Environmental Protection

Other Material Planning Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

LCC Highways	No objections – Informative note added regarding PROW
Agricultural Consultant	<ul style="list-style-type: none"> - The structure of the proposed building is suitable for its intended use but could be amended to reduce the mass of the building and reduce/omit roof lights and restrict the emission of internal lighting through the north, east and west elevations. - The eaves and ridge heights of the proposed building could be reduced. The building is oversized. - The location of the building within the farm is reasonable however, its location may impact upon surrounding residents. - There is a general need for an agricultural building at the farm.
RBC Environmental Health	No objection

7. REPRESENTATIONS

In order to publicise the application consultation letters were sent to surrounding neighbours on 17.06.2024 with a site notice posted at the site on 26.06.2024.

Five objections and two supporting comment have been received. The objections received raised the following concerns:

- The submitted Location Plan is not accurate as it excludes the closest residential property (Quarry View Cottage)
- The size of the proposed barn would dominate the landscape and result in a loss of privacy to neighbouring residential dwellings.
- The barn is positioned too close to residential dwelling and will result in additional noise, light and odour pollution.
- The materials proposed are not in keeping with the surroundings.
- Access road to the site is unsuitable

The supporting comments raised the following matters:

- Shelter is needed for the sheep in winter months.

The applicant has submitted a response to the objections received raising the following points:

- A number of residential properties have recently been constructed directly adjacent to the farm. The residents would therefore have been aware of the agricultural use of the land when purchasing their properties.
- An existing farm building at Greens Farm is located in closer proximity to the existing dwellings.
- The development would not result in loss of privacy
- The building is 'tucked into' the hillside and the location has been chosen to minimise effects upon the neighbours.

Various other matters have been raised by both the objectors and the applicant however these are not considered material planning considerations.

8. ASSESSMENT

The main issues for consideration in this instance are:

- a) Principle
- b) Visual Amenity and Countryside Impact
- c) Neighbour Amenity
- d) Highway Safety

Principle

New agricultural buildings are normally viewed as appropriate forms of development to locate within countryside locations such as this. In addition, it is considered, on balance, that located in the position proposed the building would not unduly harm the openness or character of the area (see 'Visual Amenity' Section below).

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. Furthermore, 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.

Having regard to the above and to the principal consideration in this case that agricultural use is appropriate in a countryside area, the proposed development is considered acceptable in principle.

Visual Amenity and Countryside Impact

Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by “*recognising the intrinsic character and beauty of the countryside*”.

Policy ENV3 contained within the Rossendale Local Plan 2019-2036 relates to landscape quality and character and states:

“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.”

The Council have sought comments from our agricultural consultant Alan Jackson. The comments received state that the overall scale and size of the building is excessive based on the extent of agricultural activities taking place at the site and the machinery proposed to be stored. Nevertheless, as detailed within the “*Principle*” section above, there is no policy test for a full application for the applicant to prove the agricultural need for the building. The assessment is therefore solely based on the visual impact of the building within the countryside location.

In this instance, the building is proposed to be located on an existing plateau with the land to the south rising in height. Views of the barn are mainly afforded from a lower elevation to the north of the site from both the access road and the residential dwellings. The land associated with Sheephouse Farm provides some screening from views from west due to the land being at a higher elevation. In addition to this, the appearance of the building reflects the materials found on similar agricultural buildings within the Borough and its appearance would not appear incongruous within the setting.

Accordingly, whilst the building has been deemed excessive in terms of its overall scale and size when considered against the current agricultural activity on the land, it is not considered the visual appearance of the barn would detract from the character or appearance of the surrounding countryside owing to the positioning of the building providing a degree of screening and the materials proposed being consistent with those you would expect to see on an agricultural building within a countryside setting.

The development is therefore considered acceptable in terms of visual amenity and the impact upon the countryside.

Neighbour Amenity

Policy ENV1 within the Rossendale Local Plan 2019-2036 relates to high quality development within the Borough and advises that:

“All proposals for new development in the Borough will be expected to take account of the character and appearance of the local area, including, as appropriate, each of the following criteria:

(c) Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area;”

A number of objections have been received during the consultation phase of the application. Amongst other matters, the comments raise concerns over the proximity of the development to the residential dwellings and the impact this will have upon their amenity owing to the increase in noise, light and odour emanating from the site.

It is considered likely that some external lighting would be required in order for the barn to be safely utilised particularly over the winter months. This has the potential to impact upon the amenity of the surrounding neighbours should these not be carefully positioned. No external lighting is however proposed as part of the current application. A condition has been added to ensure the details of any external lighting are submitted to the Council for consideration prior to their installation.

With regards to internal lighting, the Council’s agricultural consultant has advised that the original design of the building permits internal light to escape from the building and has set out ways in which this could be minimised. Following discussions, an updated design for the building has been submitted which shows the north (side) elevation of the barn which is proposed to face towards the residential dwellings is to be constructed from solid boarding to prevent to escape of both internal light and odour. In addition to this, the roof lights have been restricted to be installed within the south elevation roof slope of the building to ensure light emanating from the building is not visible to the surrounding residents.

The building will stand approximately 45 metres away from the curtilage of the nearest residential dwellings. The Council’s agricultural consultant has provided the following comments in relation to noise/odour:

“The use of agricultural buildings, particularly at times when animals are housed, can give rise to increased noise and the release of odours. In this regard I attach a copy of an appeal decision [ref APP/M0933/W/20/3257476] at Saw Pit Lane near Ulverston which considered the provision of a new livestock building [including for cattle] of around 168m² to be situated at between 50m and 100m from existing residential properties. In that instance the Inspector felt the provision of an agricultural building would have an impact on the occupation of the residential properties. I draw your attention to paragraphs 24 to 28 of the appeal decision.

In this instance the dwellings appear to be further away than those in the appeal decision and only sheep are to be housed and bedded on straw which in my view will produce less odours than if cattle are housed. Nevertheless, your Council will, in my view, need to consider the impact of the proposed building on existing residential properties.”

For clarity, the curtilage of the closest residential dwelling is located 45 metres from the proposed site with a number of other dwellings located in close proximity to this. The figure of 200m is incorrect and appears to come from the comments received from the objectors.

The Council's Environmental Health team have been consulted to provide comments on the proposed scheme in relation to noise, odour and light. They have not raised an objection to the proposals subject to a condition being included relating to the storage of the manure being positioned away from the residential dwellings. This has been included within the relevant section below.

Overall, whilst it is accepted that the proposed barn is located in close proximity to residential dwellings, the design of the building has been changed to reduce odour and internal light emanating from the proposed barn towards the residential dwellings and conditions have been included to restrict the installation of external lighting and to control the storage of manure. It should also be noted that the closest residential dwellings are located within a countryside location and share a boundary with an existing agricultural farm. It is therefore to be expected that a degree of noise/odour would result from the farming activities however subject to the changes made and the addition of conditions it is not considered the development would intensify the noise/odour associated with the site to an unacceptable degree which would warrant the refusal of the application.

The development is therefore considered acceptable in terms of neighbour amenity.

Highway Safety

The local Highway Authority have been consulted and have confirmed that they have no objection to the proposed development in relation to highway safety matters.

The proposals are therefore considered acceptable in terms of Highway Safety.

9 RECOMMENDATION

That the application should be approved subject to conditions.

CONDITIONS

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

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

- 2) The development shall be carried out in accordance with the planning application form received 10.05.2024 and the following drawings and documentation unless otherwise required by the conditions below:

Title	Drawing No.	Received Date
Location Plan	669/03	28.05.2024
Site Plan	669/04	10.05.2024
Plan of Agricultural Building	669/01A	23.08.2024
Elevations of Agricultural Buildings	669/02A	23.08.2024

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

- 3) No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

- 4) Details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied.

Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents

- 5) Manure should be stored as far away as practically possible from the residential curtilage of the closest residential dwelling (Quarry View Cottage) and as a minimum at least 100m away. In addition, Manure must not be stored within 10m of any inland waters or within 50m of a spring or borehole.

Reason: In order to reduce any potential impact upon nearby residents in respect of odour/flies and ensure the development does not impact upon the water supply.

- 6) Development working hours and deliveries during the construction phase shall be restricted to within the following times:

Monday to Friday 08:00 to 18:00
Saturday 08:00 to 13:00

Construction works shall not take place on Sundays, Bank, or Public Holidays.

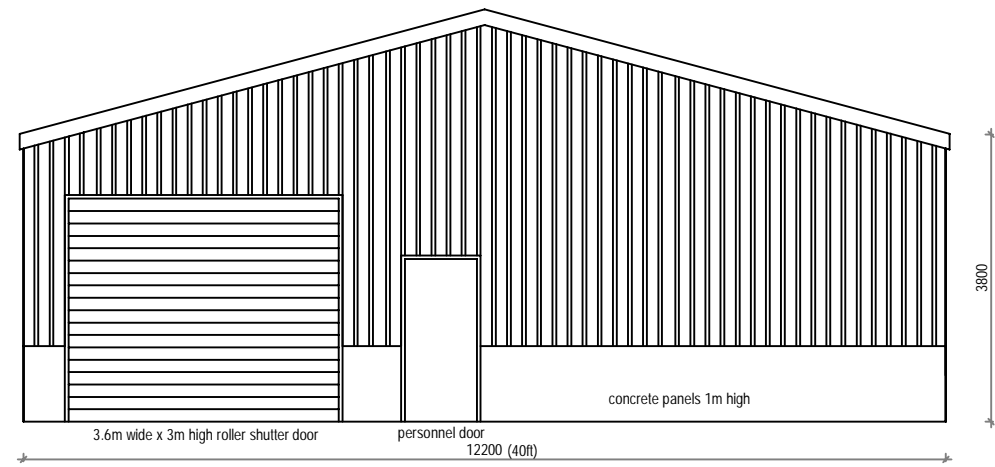
Reason: to minimise the possibility of inconvenience to nearby residents

INFORMATIVE

- 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 setting of Public Footpath FP1401539 (Bacup) may be affected by the proposed development. The grant of planning permission does not entitle a developer to obstruct a right of way. The developer should take note of the public footpath running through or adjacent to the site and take utmost care to ensure that this is kept undisturbed and free of obstruction during the course of the development and thereafter. Any proposals for the temporary diversion or closure of the above footpath should be made to Lancashire County Council's Public Rights of Way team before any development works begin. They can be contacted by email at PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.



West Elevation

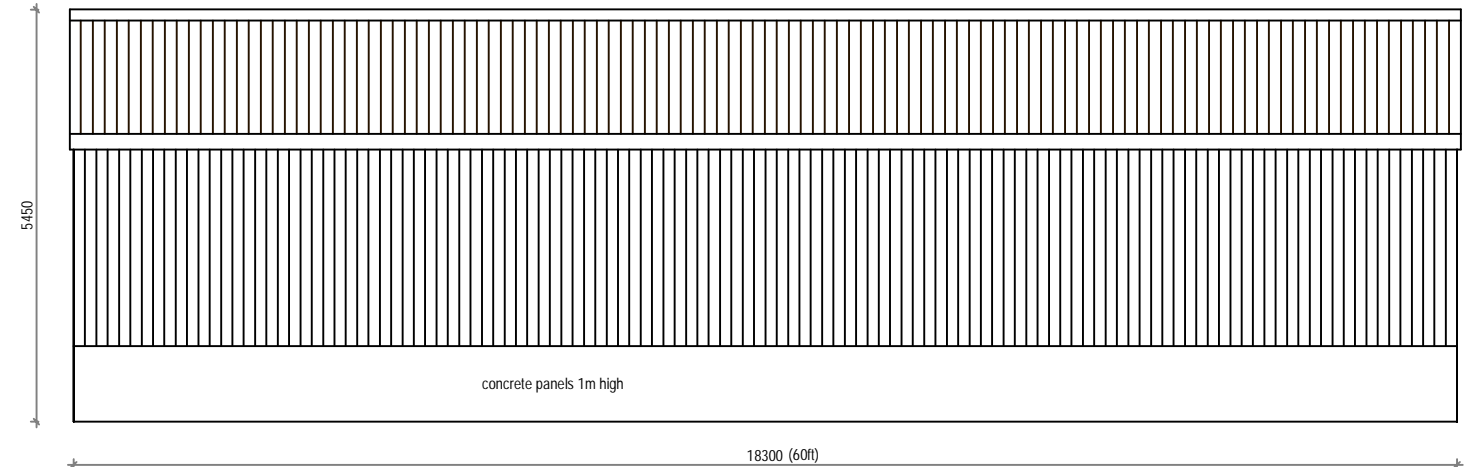
dark brown roofing sheets
15° pitch (no roof lights to
north elevation)

yorshire boarding to East, West and
South Elevations, solid boarding to
North Elevations

concrete panels 1m high

3.6m wide x 3m high roller shutter door
personnel door
12200 (40ft)

3000

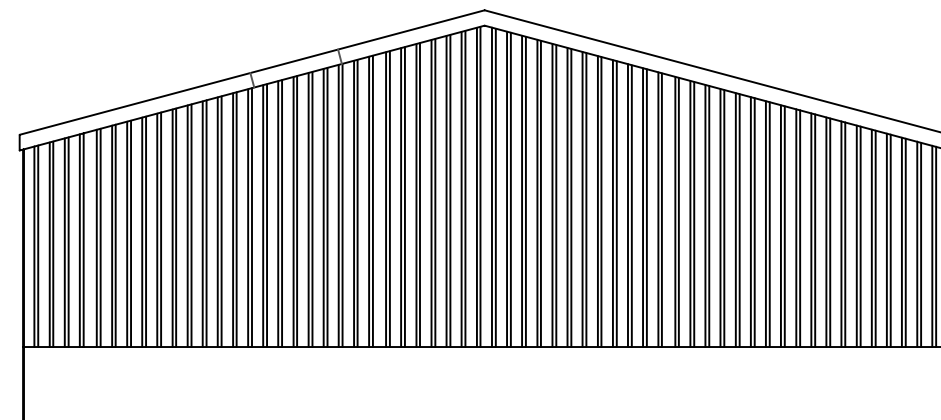


North Elevation

5450

concrete panels 1m high

18300 (60ft)

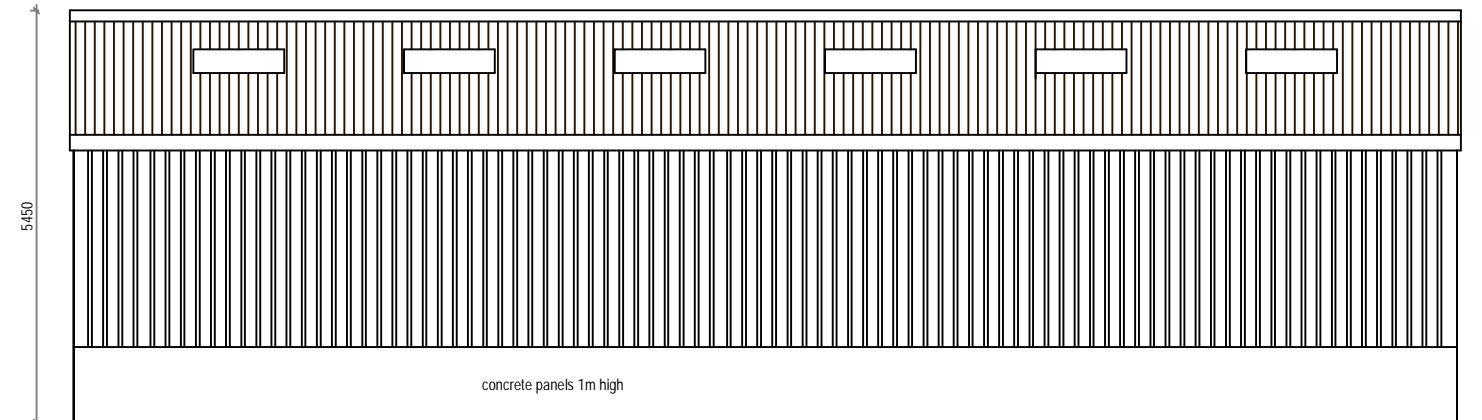


East Elevation

dark brown roofing sheets
15° pitch (with rooflights to
South Elevation only)

yorshire boarding to East, West and
South Elevations, solid boarding to
North Elevations

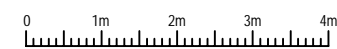
concrete panels 1m high



South Elevation

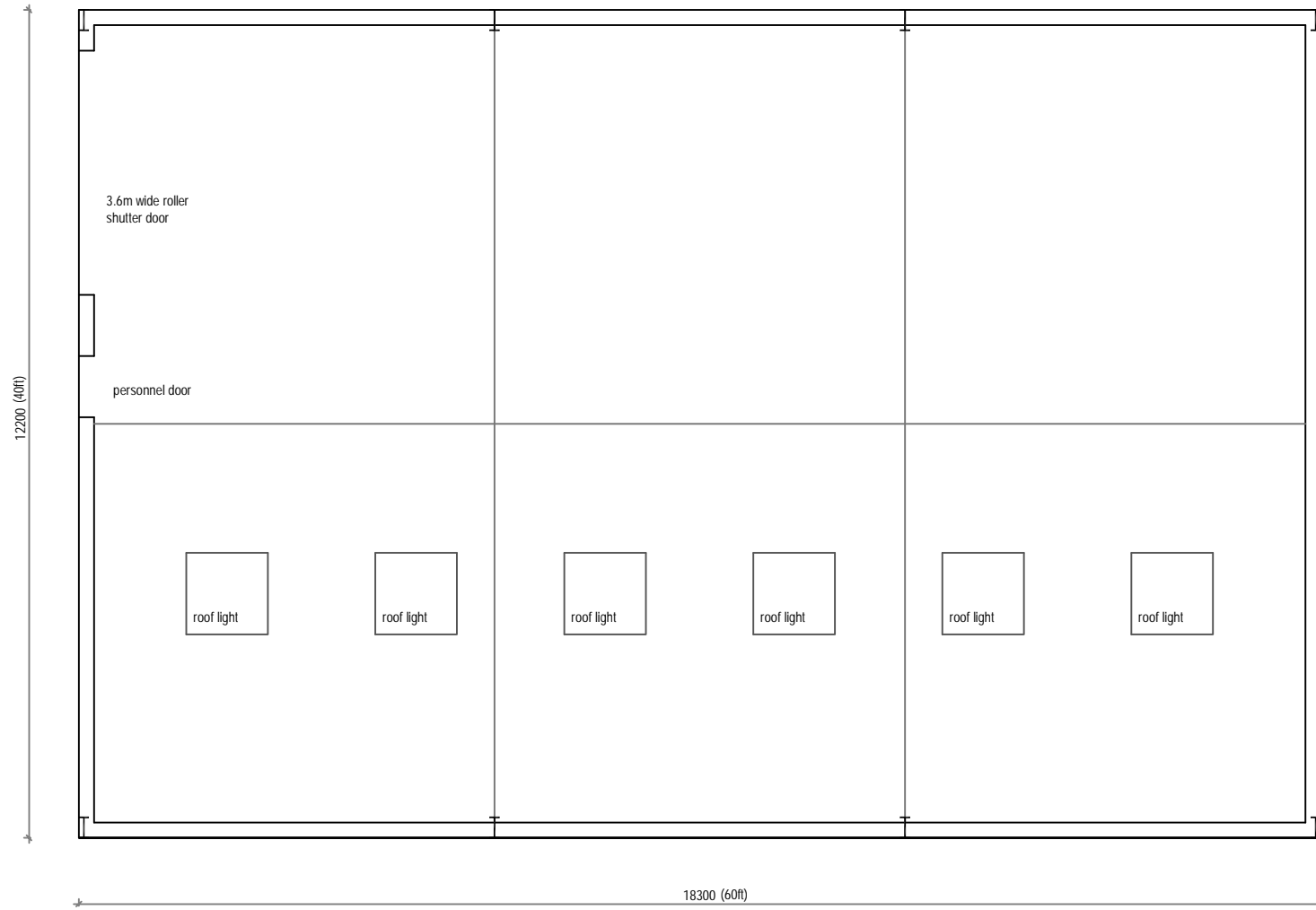
5450

concrete panels 1m high

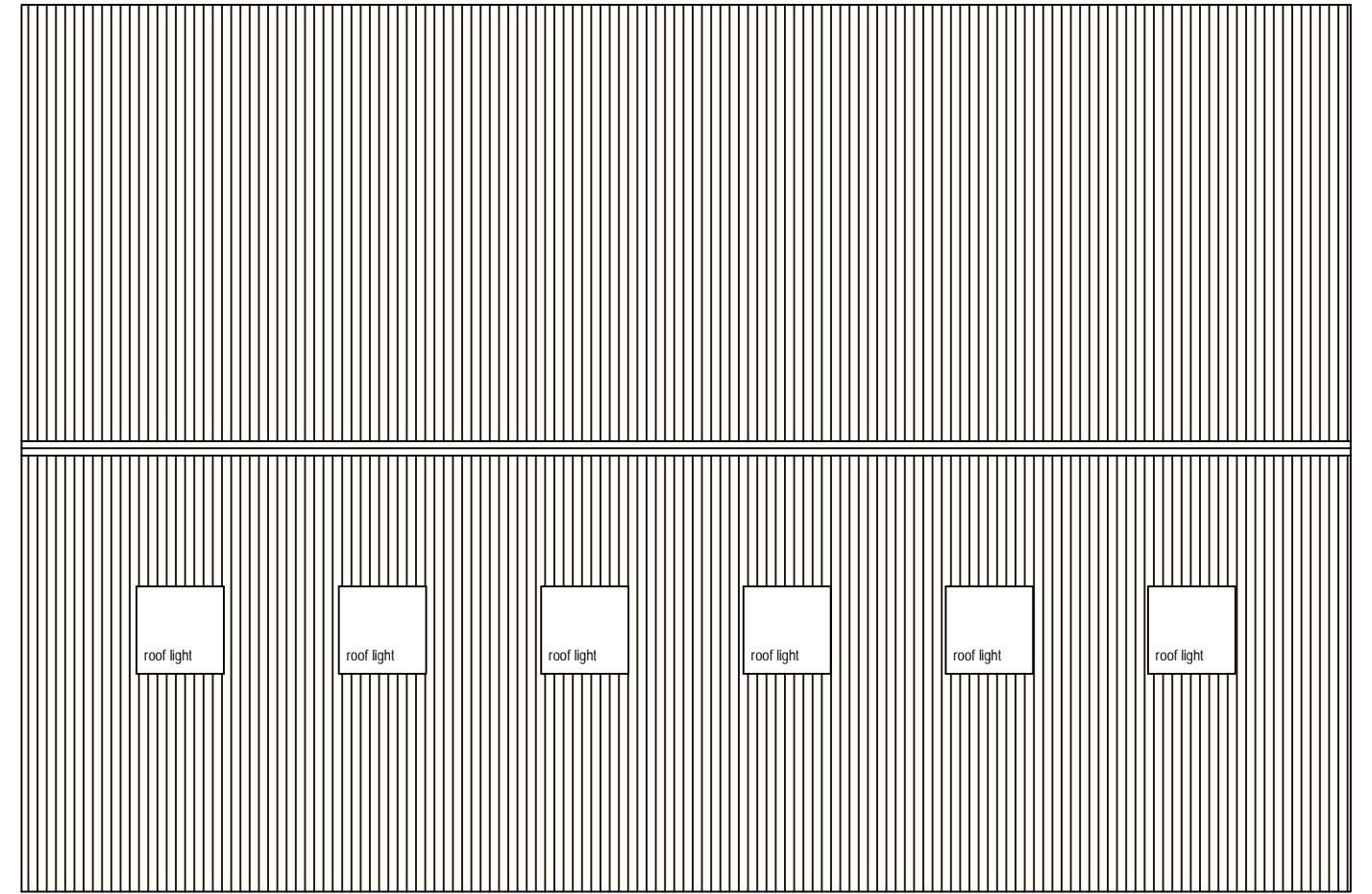
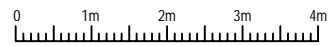


Amendment A 22nd August 2024
yorshire boarding changed to solid boarding to North Elevation and rooflights omitted from
roof to North Elevation

Project Sheep House Barn, Higher Greens, Bacup, OL13 OJS		
Description Elevations of Agricultural Building		
Client Mr. T. Whittaker	Scale 1:100 @ A3	
Date May 2024	Drawn CW	Drawing No 669/02A



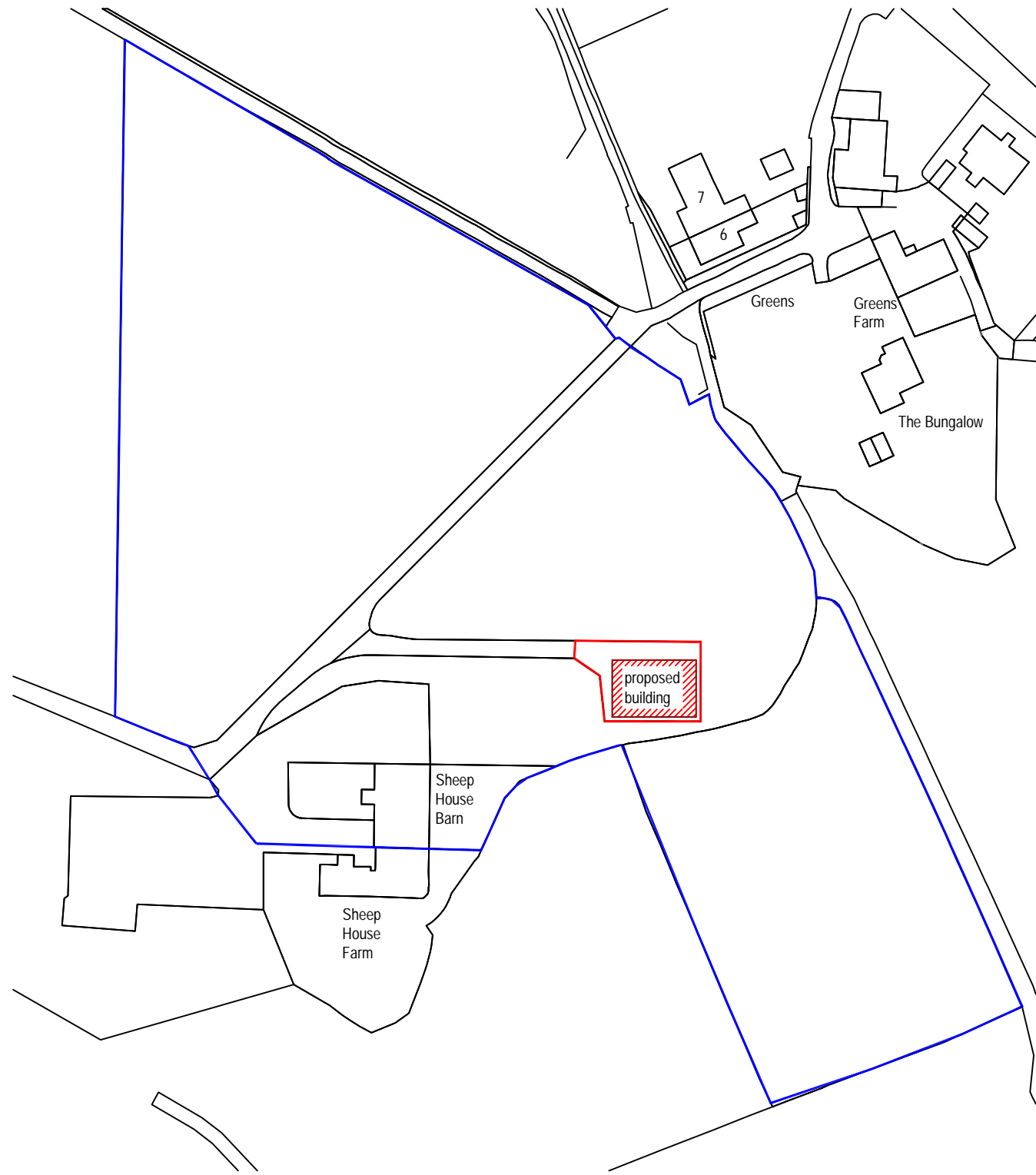
Plan of proposed agricultural building



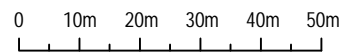
Roof plan agricultural building

Amendment A 22nd August 2024
 rooflights shown to South Elevation only

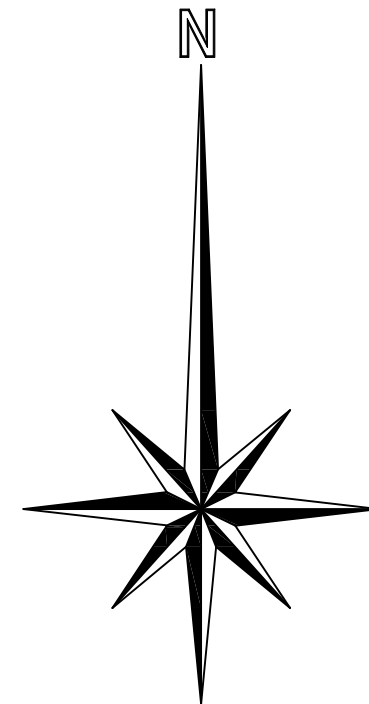
Project Sheep House Barn, Higher Greens, Bacup, OL13 0JS		
Description Plan of new Agricultural Building		
Client Mr. T. Whittaker	Scale 1:100 @ A3	
Date May 2024	Drawn CW	Drawing No 669/01A



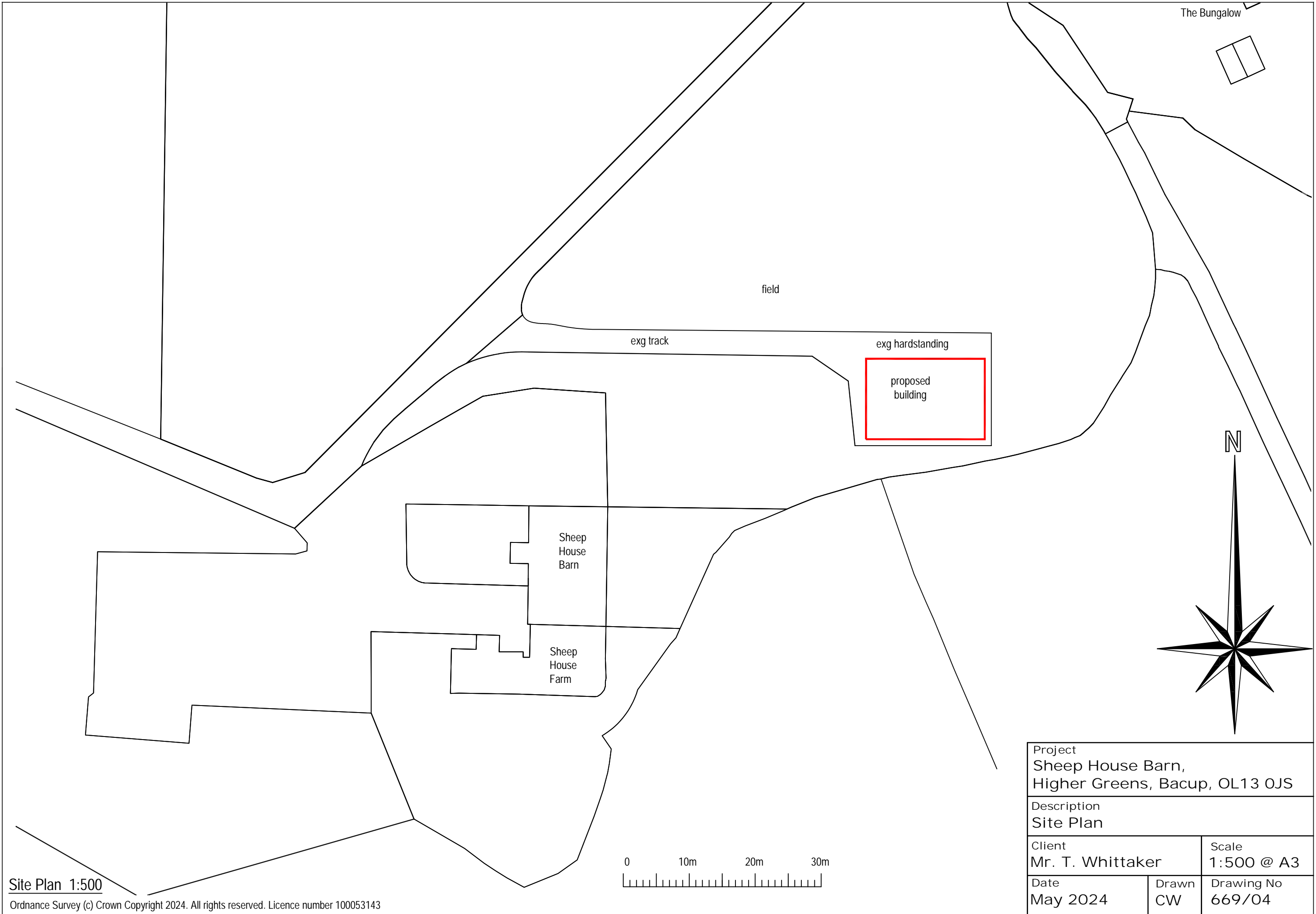
Location Plan 1:1250



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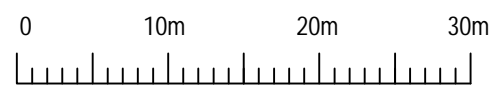


Project Sheep House Barn, Higher Greens, Bacup, OL13 0JS		
Description Location Plan		
Client Mr. T. Whittaker	Scale 1:1250 @ A3	
Date May 2024	Drawn CW	Drawing No 669/03



Site Plan 1:500

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Project Sheep House Barn, Higher Greens, Bacup, OL13 OJS		
Description Site Plan		
Client Mr. T. Whittaker	Scale 1:500 @ A3	
Date May 2024	Drawn CW	Drawing No 669/04



