

Application No: 2006/392

Application Type: Outline

Proposal: Erection of Agricultural Building

Location: Pisgah Farm, Ivy Bank,
Whitworth

Report of: Development Control
Team Manager

Status: For Publication

Report to: Development Control
Committee

Date: 10 October 2006

Applicant: Mr M Williams

Determination Expiry Date:
16 October 2006

Agent: Alison Rowland
Town Planners Ltd

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

3 or more objections received

Other (please state) MAJOR

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.

APPLICATION DETAILS

1.1 The Site

Pisgah Farm is situated in the open countryside rising to the east side of the settlement of Whitworth. It ceased to function as working-farm some years ago.

It comprises of a house, adjacent buildings utilised for stabling and associated storage, and approximately 5 hectares of land. The land is in part rough-grazing and in part former quarry-workings. Use of the lower part of the un-made switch-back road by which the complex of buildings is reached from Market Street (A671) is shared with St John's Church and Church Hall. Before reaching the complex of buildings an old quarry-working is passed, the floor of which has been used to form an outdoor riding arena.

1.2 Relevant Development Control History

In February 2004 the applicant sought Outline Permission to replace the outdoor riding arena with a building to have a floor-area of 1,147sq m and accommodate an indoor riding arena and 8no loose-boxes (2004/87). In support of that proposal the applicant said that the resulting building would :

- a) be used principally by their daughter in pursuit of her ambitions to become an Olympic rider; &
- b) have little impact upon the open and rural character of the area by virtue of being located within the quarry.

At its meeting on 27 May 2004 Committee determined that the riding talent/ambitions of the applicant's daughter sufficiently outweighed the harm that would be caused by reason of inappropriateness and detriment to the open and rural character of this area of Green Belt to warrant a permission.

The application had to be referred to the Government Office for the North West as a departure national and local Green Belt policy. It directed that the application could not be determined by the Council and should first be the subject of a Local Inquiry prior to determination by the First Secretary of State.

That inquiry was held on 31 January 2006. In accordance with the Inquiry Inspector's report, the First Secretary of State refused Outline Permission for the proposed building. The Inquiry Inspector concluded :

".....there is significant conflict with national and local Green Belt policy in that the development is inappropriate and would substantially reduce the openness of the Green Belt. There is also conflict with the advise in PPG17 in this respect. In my opinion, the very special circumstances argued by the applicants are not sufficient to outweigh the harm by reason of inappropriateness and the other identified harm. The fact that the building would be well screened by the walls of the quarry within which it would be sited does not overcome those concerns."

1.3 The Proposal

The applicant now seeks Outline Permission to replace the outdoor riding arena with a building to have a floor-area of 1,147sq m and accommodate an egg-production enterprise. At this stage permission is sought for the siting of the building, with the matters of its design/external appearance, and for landscaping, reserved for

later consideration. Permission is not sought for means of access but could not be by means other than the un-made switch-back road serving the main complex of buildings at the farm.

The applicant advises that :

- his daughters circumstances have changed as a result of which the 7 high-value competition horses she rode have been sold and there is no longer a need for the indoor riding arena/stables for which permission was recently refused for which the portal-frame for which had already been purchased
- the proposed building will be capable of accommodating 6,000 productive birds, with adequate storage space for feed, egg packing, etc
- this enterprise will employ 2 people and would move into profit in Year 2.

1.4 Policy Context

Rossendale District Local Plan (Adopted 1995)

- DS3 - Green Belt
- DC1 - Development Criteria
- C7 - Agricultural Buildings

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 5 - Development Outside Principal Urban Areas, Etc
- Policy 6 - Green Belts
- Policy 7 - Parking
- Policy 20 - Lancashire's Landscapes

Other Material Planning Considerations

- PPS1
- PPG2
- PPS7
- LCC Parking Standards

2. CONSULTATIONS

LCC(Highways) has expressed concern about the adequacy of the access should the proposed development attract long vehicles. Its concern is that the access road runs in to Market Street at an acute angle as a consequence of which long vehicles approaching the site from the south, or wishing to leave the site in this direction would have difficulties in making the turn.

RBC (Drainage) recommends a condition to ensure satisfactory arrangements are made for drainage.

3. REPRESENTATIONS

None

4. ASSESSMENT

The application site lies within Green Belt. In accordance with PPG2, Policy DS3 of the Local Plan indicates that permission will not be granted, except in very special circumstances, for the erection of new buildings other than for the purposes of agriculture, forestry and other uses appropriate to a rural area. Policy C7 of the Local

Plan indicates that agricultural buildings will be permitted so long as they fulfill certain criteria.

Accordingly, the main issues to consider in respect of this application are as follows :

- Whether the proposed building is reasonably necessary for the purposes of agriculture within the unit
- If so, whether it will detract to an unacceptable extent in terms of its impact on the landscape, neighbours , highway safety, etc.

Principle

To establish whether the proposed building is reasonably necessary for the purposes of agriculture within the unit the advice of LCC (Property Group) was obtained. It advises that :

- As a result of the recent sale of horses buildings near to the house are not now being fully utilised. However, those buildings are not of a size/design capable of accommodating the intended enterprise. Nor are there any other buildings on the farm which could accommodate it.
- Although the size of the proposed building is the product of the alternative use for which it was first purchased, it is of appropriate floor-area for the intended agricultural enterprise. With a ridge-height not exceeding 6m, it will be capable of housing the number of birds intended , together with the associated feed-storage, egg-packing, etc. Its design/facing materials are to be the subject of a further application, and will need to be looked at with care to ensure the building are tailored to the intended use.
- The egg-production unit the building will be capable of accommodating will not be a viable enterprise in its own right - the applicant acknowledged that they did not have experience of running such an enterprise, intending to buy-in specialist advice as necessary/continue to derive part of his income from his job in engineering.

Accordingly, I am satisfied that the proposed building is reasonably necessary for the purposes of agriculture within the unit. Consequently, there is no objection, in principle, to its erection within the Green Belt.

Landscape Impact

Whilst landscape impact is most usually minimised by the siting of a new agricultural building adjacent to the existing complex of farm buildings, in this instance I am satisfied that the topography of the area makes it appropriate to site the proposed building within the quarry-working. This site is relatively level and the steep-slopes on three sides of this quarry-working will help minimise the impact of the building on the essentially open and rural character of the area.

Neighbour Amenity

The proposed building will stand more than 400m from the nearest neighbouring dwelling. I do not consider the use of the building, or the traffic movements associated with it, will detract to an unacceptable extent from the amenities of any neighbours. However, I do consider it appropriate to require submission of details of the drainage arrangements and the means by which waste generated by the development will be stored/disposed of.

Highway Issues

I can appreciate the concerns of the Highway Authority about the difficulties a long lorry would have in entering the access road when approaching the site on Market Street from the south, or leaving it in this direction. However, LCC(Property Group) advises that the proposed building is unlikely to generate significantly more movements or movements by larger vehicles than until recently occurred in the competition season when the applicants daughter was riding competitively and had a heavy-goods size horse-box moving to/from the site on up to 10 to 12 occasions each week. Accordingly, I do not consider a refusal of the application on highway safety grounds could be substantiated. However, I do consider that it would be appropriate to require proper surfacing of the first 10 m of the access road.

6. CONCLUSION

The proposed building constitutes development which is, in principle, appropriate in the Green Belt. Furthermore, I am satisfied that the most appropriate siting has been chosen for it and, subject to conditions, it will not result in significant detriment in terms of neighbour amenity, highway safety or for any material planning consideration. However, in light of the scale of the building which is being proposed within this area of development constraint and what LCC(Property Group) has said about the propose egg-production operation not being a viable enterprise in its own right, It is considered appropriate to condition the permission to require removal of the building should it cease to be used for egg-production on a commercial basis for a period of 6 monthswithin 10 years of its first use as such.

7. RECOMMENDATION

That Outline Permission be granted, subject to the following conditions :

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. *Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later. *Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.*
3. Approval of the details of design, external appearance and landscaping (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced. *Reason : The application is in outline only and not accompanied by details of these matters.*
4. The first reserved matters application shall be accompanied by a scheme for the surfacing, sealing and draining of the first 10m of the access road as measured from the edge of the carriageway of Market Street. The approved scheme of improvement shall be implemented prior to first use of the building hereby permitted. *Reason : In the interests of highway safety and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

5. The first reserved matters application shall be accompanied by a scheme detailing the drainage arrangements and the means by which waste generated by the development will be stored/disposed of. The approved scheme(s) shall be implemented prior to first use of the building hereby permitted. *Reason : To prevent pollution and protect the amenities of neighbours and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

6. The building hereby permitted shall be removed and the site re-instated should it cease to be used for the purpose of egg-production on a commercial basis for a period of 6 months within 10 years of its first use as such. *Reason : The application site lies within Green Belt, wherein PPG2 and Policy DS3 of the adopted Rossendale District Local Plan seek to restrict development in order to retain the essentially open and rural character and appearance of land. It is appropriate to require the removal of this large building should the agricultural justification for it cease within the prescribed period.*

Note for Applicant

To implement this planning permission you may need to undertake works within the highway , which will need to be consented to or undertaken by the Highway Authority. You should contact the Environment Directorate, Lancashire County Council, at P.O.Box 9, Guild House, Cross Street, Preston PR1 8RD .

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