

**TITLE: APPLICATION 2006/20  
ERECTION OF 2 no AGRICULTURAL BUILDINGS,  
WITH ASSOCIATED SILAGE CLAMP, YARD & ACCESS  
HEY HEAD FARM, ROCHDALE ROAD, BACUP**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE - 8 MARCH 2006**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT : P HARRISON & KJ THOMPSON**

**DETERMINATION EXPIRY DATE : 13 MARCH 2006**

### **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.

### **Site**

Hey Head Farm is situated in the open countryside to the east of the settlement of Bacup. It has an area of approx 35 hectares, the complex of buildings serving it accessed from Tong Lane.

The principal building on the site is a traditional stone-building, in use as 2 dwellings, with an attached barn. There is a range of irregularly-shaped sheds and lean-to's, for the most part clad in profiled metal sheeting, located to the east side of the principal building, used for the keeping of livestock and agricultural storage.

### **Relevant Development Control History**

In April 2005 an application was received giving prior notification of the intention to exercise the 'permitted development' right to construct a new access road of 5m in width and 330 m in length and, thereby, dispense with the need for vehicles to use part of the existing access between Tong Lane and the complex of buildings

(2005/233). It being found that construction of the new access was underway the use of the 'prior notification' procedure was inappropriate.

In September 2005 two applications were received giving prior notification of the intention to exercise the 'permitted development' right to erect two portal-frame buildings for agricultural purposes. The applicants were advised that neither of these applications could be validated/processed in the absence of location plans. Complaint was subsequently received that construction of a building to the west side of the principal building had begun.

### **Proposal**

Planning permission is now sought to :

- a) regularise the access road that has been completed;
- b) regularise the construction of 2 agricultural buildings (one of which is substantially complete and has been brought into use as sheep-housing);
- c) permit the construction of a silage clamp; &
- d) permit the formation of the associated yard.

Each of these buildings will have a blockwork skirt, with the upper part of walls and roof of profiled metal-sheeting. They will measure 9m x 18m x 6m in height, whilst the silage clamp is shown at 16m x 20m. One of the buildings is to be used to house the breeding-pigs, the lambing of sheep and (when space is available) for agricultural storage, whilst the other is to be used for storing baled-hay and straw/general agricultural storage. All of them will be grouped around the new yard to be formed on the west side of the principal building, with tree planting proposed to the west and south sides of the new range of agricultural buildings.

In support of this proposal, the applicants advise that :

- The old access road was not able to satisfactorily accommodate the large tractors and machinery now used in farming. (The application is also accompanied by a letter from the resident of a house fronting the old access road confirming this to be the case and expressing support for the application on the grounds of highway safety).
- The existing agricultural buildings are in poor physical condition and are neither well-suited to the needs of modern agriculture or capable of being made so. Implementation of the proposed scheme will enable efficient operation of the agricultural enterprise intended and better meet the welfare needs of livestock. The tree-planting proposed will serve as a wind-break and also be of benefit in terms of visual amenity.

As first submitted the application also sought permission for a larger agricultural building. To measure 9m x 22.5m x 6m in height, this building has now been deleted from the application.

### **Consultation Responses**

Lancashire County Council Property Group advises that there is justification for the new access and the 2no agricultural buildings and yard of the amended proposal.

### **Notification Responses**

Nil

## **Development Plan Policies**

### Rossendale District Local Plan (Adopted 1995)

- DS5 - Development Outside the Urban Boundary & Green Belt
- E10 - Groundwater Protection
- C7 - Agricultural Buildings
- DC2 - Landscaping
- DC4 - Materials

### Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 21 - Lancashire's Natural & Man-Made Heritage

## **Other Material Planning Considerations**

- PPS1 - Sustainable Development
- PPS7 - Rural Areas
- PPG13 - Transport

## **Planning Issues**

In dealing with this application the principal issues to consider are as follows :

- 1) Principle; 2) Landscape Impact; 3) Neighbour Amenity; & 4) Traffic.

### **PRINCIPLE**

The application site lies in a Countryside Area, wherein national and local plan policy do not seek to restrict agricultural development so long as it is reasonably necessary for the purposes of agriculture within the unit and seeks to minimise its impact on visual and neighbour amenity, highway safety, etc.

The LCC Property Group were commissioned on behalf of the Council to undertake the necessary assessment to establish whether the various elements of work for which permission is now sought are 'reasonably necessary for the purposes of agricultural within the unit'. It advises that :

- The Applicants took over the farm in January 2005 and operate essentially a beef-and-dairy enterprise (possessing at present 41 head of cattle & 163 breeding-ewes), with a handful of breeding-pigs.
- It is undoubtedly the case that the size of agricultural equipment has increased significantly since Hey Head Farm and the access to it were established. The section of the old access now by-passed is constricted in terms of its width and owing to its gradient at the junction with Tong Lane. Since it is the properties of residential neighbours that restricts the width of the old lane the applicant is unable to satisfactorily address either of these matters by means of its improvement. On the other hand, the new access provides a wider and relatively unrestricted vehicular access and relieves the residents of the two neighbouring properties of the disturbance associated with regular vehicular movements to and from the farm.
- The existing agricultural buildings have a number of design limitations which make them unsuitable/inappropriate for a modern commercial farming operation. The siting/size/design of the two buildings for which permission is now sought is appropriate, as too is the yard.

- Whilst the applicant has need of a silage clamp for grass-crop storage, and that proposed is of appropriate siting, it is double the floor-area considered necessary for the agricultural enterprise.
- The case had not been made for construction of the largest of the buildings for which permission was initially sought, nor is permission sought for the midden it would have required; as indicated above, this building has been deleted from the application.

Having regard to the above, I am satisfied that the recently-formed access, the two buildings for which permission is sought and the proposed yard have been shown to be reasonably necessary for the purposes of agriculture within the unit. So too is a silage-clamp of half the floor-area of that shown on the submitted drawings.

#### LANDSCAPE IMPACT

I am satisfied that neither the recently-constructed access, or the complex of agricultural buildings, etc for which permission is also being sought, will detract unacceptably from the character and appearance of this essentially open and rural area, subject to implementation of a suitable scheme of landscaping.

#### NEIGHBOUR AMENITY

The recently-constructed access is of benefit to residential neighbours and the other elements of work for which permission is sought are more than 150 metres from the nearest neighbouring dwelling. Accordingly, I am satisfied that the development for which permission is sought is not likely to result in an unacceptable loss of amenity for any neighbours.

#### TRAFFIC

I am satisfied that the recently-constructed access is of benefit to highway-safety and makes it less likely that other vehicles are inconvenienced by farm traffic struggling to negotiate the old access. Likewise, use of the buildings and yard for which permission is sought for purposes of agriculture within the unit is unlikely to result in a significant increase in the traffic using the local road network.

#### **Conclusion**

I consider it appropriate that this application be granted permission subject to conditions to ensure that : the buildings and yard are used for the purposes of agriculture within the unit; the silage-clamp constructed is of a size/design appropriate to the needs of the unit; and the new buildings/yard are suitably landscaped.

#### **Recommendation**

That permission be granted, subject to the following conditions :

1. Neither the two buildings hereby permitted or the existing agricultural buildings shall be used other than for the purposes of agriculture within the unit.

Reason: To protect the character and appearance of this Countryside Area from inappropriate uses and levels of activity, in accordance with Policy C7 of the adopted Rossendale District Local Plan.

2. The yard hereby permitted shall not be used other than for the purposes of agriculture within the unit or incidental residential purposes associated with the dwellings at Hey Head Farm .

Reason : To protect the character and appearance of this Countryside Area from inappropriate uses and levels of activity, in accordance with Policy C7 of the adopted Rossendale District Local Plan.

3. Notwithstanding what is shown on the submitted drawing, the size/design of the silage-clamp to be constructed shall be submitted to and approved in writing prior to its construction.

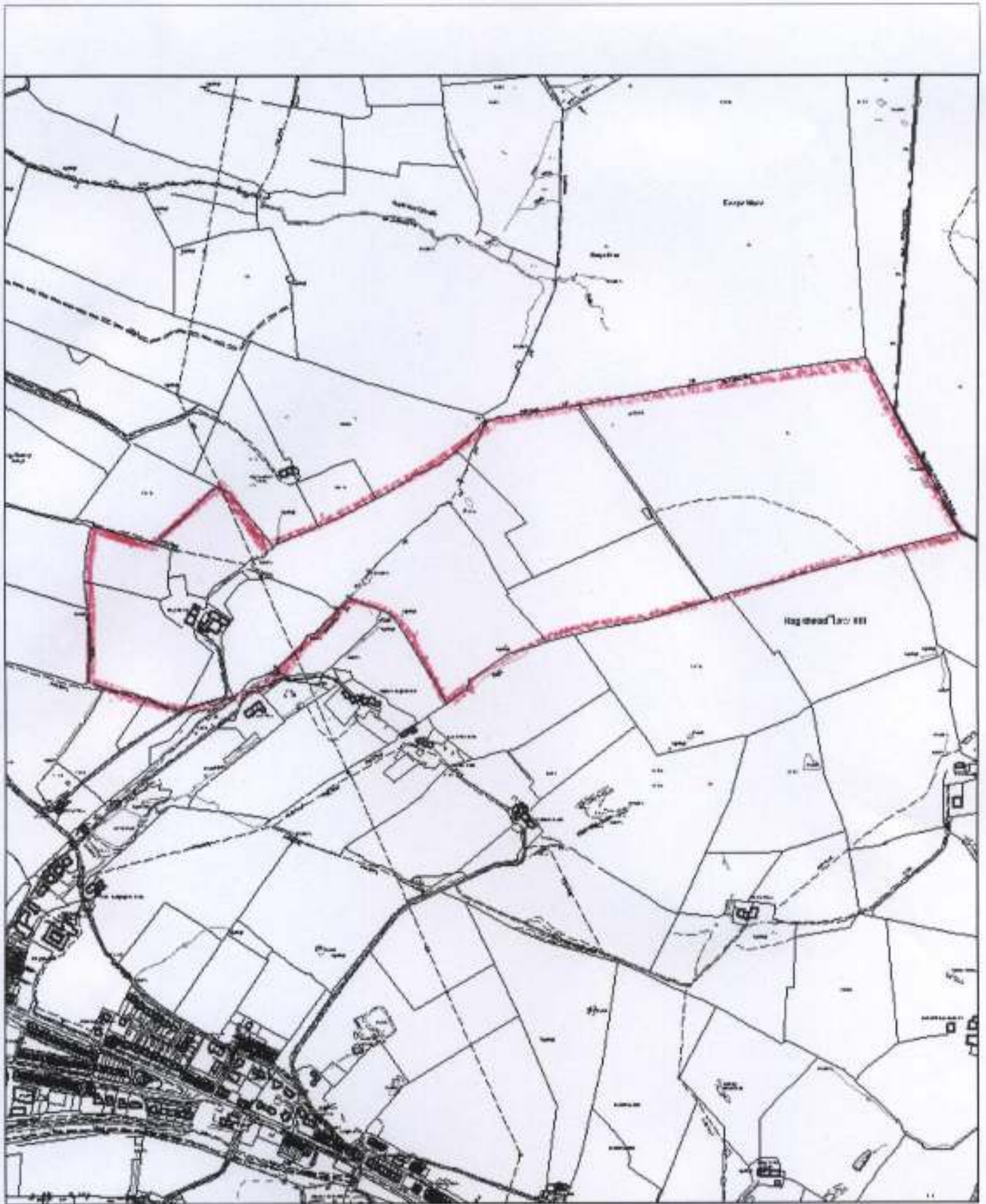
Reason : To prevent pollution and protect the character and appearance of this Countryside Area from inappropriate uses and levels of activity, in accordance with Policies E10 and C7 of the adopted Rossendale District Local Plan.

4. A scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The scheme shall indicate the trees and shrubs to be planted to screen the buildings/yard hereby permitted, and detail the measures to be undertaken for their protection until established.

Reason: In the interests of the amenity of the area, in accordance with the criteria of Policy C7 of the adopted Rossendale District Local Plan.

5. The approved scheme of landscaping shall be carried out within 9 months of the date of this permission, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity of the area, in accordance with the criteria of Policy C7 of the adopted Rossendale District Local Plan.



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Scale 1:7500 Date: 27/02/2006

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