

Application Number:	2013/543	Application Type:	Full
Proposal:	Erection of Agricultural Building for Cattle Handling / Lambing	Location:	Land rear of Clough Terrace, Newchurch Road, Rawtenstall
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	25 March 2014
Applicant:	Mr M Schofield	Determination Expiry Date:	27 February 2014
Agent:	J Pye Planning		

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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 Permission be granted subject to the Conditions set out in Section 10.

2. **BACKGROUND**

The Applicant operates an agricultural enterprise from 2 sites.

The site to the north west of Kirkdale Avenue possesses a number of buildings of differing size, heights and materials, including a dwelling. This complex of buildings is now located within a residential area, which places constraints on its development. The most recent application for replacement of animal housing at this site was refused in April 2013 (2013/0010) for the following reason :

The proposed building would be significantly larger than that it would replace, and would be used for the housing of cattle, which it is understood has not taken place in the building to be demolished for many years. By reason of the proposed increase in size, and intensification of use of the Kirkdale Avenue site, there is reason to believe that the resulting building will cause unacceptable loss of light & outlook and nuisance & disturbance for residential neighbours, and the applicant has not submitted the information to demonstrate otherwise. Furthermore, it has not been demonstrated that there are not other areas either within this site or within the applicant's other landholdings the use of which would cause less harm. The scheme is considered contrary to Section 1, 3 and 7 of the National Planning Policy Framework, Policies DP1-DP9/EM1 of the Regional Spatial Strategy for North West of England and Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).

The applicant operates from a larger area of land to the north side of the ribbon of residential properties that fronts Newchurch Road, opposite the Staghills Lane junction. The current application relates to this site.

2. **SITE**

The Newchurch Road site extends up to Newchurch Road between No 568 and No 624, the front portion occupied by trees that have the protection of a TPO, the rear portion occupied by a series of buildings clad with profiled metal sheeting and mono-pitched roofs that have open fronts facing the open field to the north. When recently visited they were occupied by young cattle.

Access to these buildings is by means of a road running to the east side of No 632, use of which is shared with The Croft (a residential property in separate ownership), and then running to the rear of No 624 - 632. On the north side of the section of road that fronts the buildings various agricultural equipment was being stored in the open, whilst hay/silage bales were being stored in the open to the rear of the adjacent residential properties.

Whilst the residential properties that front Newchurch Road lie within the Urban Boundary, the applicants land is designated as Countryside.

3. **RELEVANT PLANNING HISTORY**

The agricultural buildings here were erected without submission and approval of an application for Planning Permission. An Enforcement investigation in 2005-2007, initiated as a result of receipt of a neighbour complaint, culminated in service of a Planning Contravention Notice. It was determined that 3 of the buildings had been standing for 4+years and were therefore immune from enforcement action (if not 'permitted development' at the time of erection) and, whilst the fourth was not of sufficiently longstanding to be immune, it was not expedient to take action against it.

Request was made for provision/re-instatement of fences to better screen activity from view from Newchurch Road and for replacement planting for loss/damage to TPO'd trees. The applicant acted upon this request, but from time to time it has been necessary to ask again for re-instatement of fencing and replacement planting.

4. **PROPOSAL**

The applicant seeks permission to erect a further building, which the Design & Access Statement states is to provide "*handling facilities for the applicant's suckler and beef herd at times when he needs to administer medicines, TB tests, do welfare checks on the cattle*

and also to be used for the housing of his flock of 150 commercial sheep during the lambing period which starts in March and ends in approximately June”.

The proposed building is to be sited immediately to the north of the section of access road fronting the existing agricultural buildings. It is to be open-sided, with a fibre-cement roof, and will measure 6.1m x 36.6m x 3.6m to eaves and 4.5m to ridge.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2012)

Section 1 Building a Strong, Competitive Economy

Section 3 Supporting a Prosperous Rural Economy

Section 7 Requiring Good Design

Development Plan

RBC Core Strategy DPD (November 2011)

AVP4 Rawtenstall, Crawshawbooth, Goodshaw & Loveclough

Policy 1 General Development Locations and Principles

Policy 18 Biodiversity and Landscape Conservation

Policy 21 Supporting the Rural Economy & its Communities

Policy 23 Promoting High Quality Designed Spaces

Policy 24 Planning Application Requirement

6. **CONSULTATION RESPONSES**

RBC (Environmental Health)

No objection. However the application should be restricted to ensure that manure is not stored /allowed to accumulate and have the potential to cause odour nuisance to neighbouring properties.

LCC (Highways)

No objection.

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order, a site notice was posted on 13/1/14 and neighbours were notified by letter on 4/3/14.

Objections have been received from 4 local residents :

515 Newchurch Road

Object on grounds of noise and smell.

From time to time livestock are kept at the site. Noise then occurs through the night preventing people sleeping.

Smells can be so bad that spending time in my garden is curtailed. House windows must be kept shut.

Erection of a further building accommodating up to 150 sheep will only make things worse.

568 Newchurch Road

Object on grounds of noise/smell and safety.

I have no objection to mr schofield expanding his business but not on this particular site , adjacent to domestic properties. Successive planning regimes have failed to prevent indiscriminate farm building next to the current domestic properties and an expansion on this site will result in further noise from 150 cattle/sheep confined in sheds and increase the smell from feed and excrement.

I understand that environmental health have been involved with this site in the past, and there was a major fire there approx 3 years ago involving feed. This year a large bale fell into my garden,smashing the concrete fence-thank goodness my children were not in the garden at the time.

I would tentatively suggest the building could be placed in the same field but on the opposite side (in the lea of the hill) thus placing it away from residential properties. This would reduce noise/smell and improve safety.

Incidentally, officers may wish to stand on newchurch road and observe the current screening measures themselves.

625 Newchurch Road

Object on the grounds of noise, smell and layout.

632 Newchurch Road

We have endured several years of smells from the existing buildings situated close to our garden boundary fence. The noise can also be disruptive. We cannot sleep with the windows open due to smells and noise from the cattle. This can only get worse if there is another building.

Access is not very good - it is only just wide enough for a tractor - and damage has been done to our fencing and walls.

Could not some other piece of land be utilised that is further away from the houses.

Another issue is that the existing buildings can be seen from Newchurch Road. The site is an eyesore to anyone walking past, with piping laying about, rubbish, broken corrugated fences and conifers that are either broken or have not grown due to damage.

8. ASSESSMENT

The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Access/Parking

Principle

The building being for agricultural purposes within an agricultural unit the application is considered acceptable in principle within the Countryside.

Visual Amenity

The proposed building is of a design appropriate for its intended function and, having regard to its siting adjacent to existing agricultural buildings, will not unduly detract from the essentially open and rural character of the Countryside.

Neighbour Amenity

The height of fences/hedges screening the rear boundaries of the neighbouring residential properties is such that the proposed building will be largely hidden from view.

The proposed building is further from the neighbouring residential properties than the existing buildings, which have for many years been used to house cattle. Notwithstanding that the proposed building is to be open-sided, the Environmental Health Unit does not consider it will materially alter the likelihood of noise or disturbance for neighbours. Nor is it likely to materially alter the likelihood of disturbance arising from traffic movements.

As requested by the Environmental Health Unit, a Condition is recommended to ensure manure is not stored /allowed to accumulate, with the potential to cause odour nuisance to neighbouring properties.

Having regard to the condition of the fence which screens the existing agricultural buildings/yards from view from Newchurch Road, and of the wooded area between them, I consider it appropriate to also recommend a Condition to secure repairs/replacements of fences and trees/shrubs.

Access/Parking

The Highway Authority has not objected to the scheme.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle within an area of countryside and, subject to the conditions, is not considered likely to result in unacceptable detriment to visual and neighbour amenity or highway safety. The proposal is considered to accord with Sections 1 / 3 / 7 of the National Planning Policy Framework (2012) and Policies AVP4 / 1 / 18 / 21 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That Permission be granted subject to the Conditions below.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with Drawings No MS/JP/3627, unless otherwise required to comply with the conditions below or first agreed in writing by the Local Planning Authority.
Reason: For the avoidance of doubt.
3. Prior to first use of the building hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority regarding the facilities/ arrangements to be made for the storage and disposal of manure. The approved scheme shall be implemented/adhered to thereafter, unless a variation is first agreed in writing by the Local Planning Authority.

Reason : To prevent pollution and protect the amenities of neighbours, in accordance with Policies 1 & 24 of the Council's adopted Core Strategy.

4. Prior to first use of the building hereby permitted a scheme of landscaping/boundary treatment shall be submitted to and approved in writing by the Local Planning Authority; most particularly the submitted scheme shall provide for the repair/ replacement of fences to screen agricultural buildings/activity from view from Newchurch Road and for the restoration/management of the wooded area between the agricultural buildings and Newchurch Road. Any fencing works forming part of the approved scheme shall be completed prior to first use of the building hereby permitted and any new planting shall be provided in the first planting season thereafter. Any plants removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and neighbour amenity, and to make good damage to trees within an area afforded the protection of a Tree Preservation Order, in accordance with Policies 1 & 24 of the Council's adopted Core Strategy.

5. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policies 1 & 24 of the Council's adopted Core Strategy.