

Application Number:	2014/0551	Application Type:	Full
Proposal:	Erection of agricultural building for the housing of cattle, lambing and storage, and associated access adjacent to Park Road.	Location:	Land To The West Of Park Road Helmshore Rossendale Lancashire
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	24 March 2015
Applicant:	Mr Edward Taylor	Determination Expiry Date:	09 February 2015
Agent:			

Contact Officer:	Richard Elliott	Telephone:	01706-238639
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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 Committee Approve planning permission for the reasons set out in Section 9.

2. SITE

Park Road is an unadopted road rising upwards from the settlement of Haslingden. To its west side roughly opposite the residential property 'West End Villas' is an access gate into an agricultural field, forming part of an agricultural holding comprising some 120 acres (48.6 hectares) extending to the west and northwest. The field's eastern boundary runs parallel with Park Road and running along this boundary is a mixture of trees, shrubs and timber

post and wire fencing. The north/north-eastern end of the field terminates where it abuts the private access track leading up to Kilnfield Farm and Hill End Farm. At the north-eastern corner is another access gate into the field. Specifically the application relates to the north eastern end of the field.

It is understood that originally the centre of the farming operations associated with the land was at Kilnfield Farm, however, the farm and associated buildings are now in separate ownership. Kilnfield Farm house is a Grade II listed building located approximately 260 metres and at a higher level to the north-west. It cannot be seen from the application site. Both park Road and the access track to Kilnfield Farm are public rights of way.

3. RELEVANT PLANNING HISTORY

2008/0814 (Kilnfield Farm house itself)
Conversion of barn to stables
Approved

4. PROPOSAL

The applicant advises that the farming enterprise comprises 300 head of breeding sheep, up to 25 heifers purchased at 1-2 months of age and grown to 18 months, and a recently established small scale pig enterprise.

Planning permission is now sought for the erection of a purpose designed farm building constructed to agricultural farm buildings standard to house the growing cattle and to provide an indoor lambing facility along with storage for implements, machinery and fodder.

The building would be open fronted and would measure 18.2m wide with a depth of 12.2m with a pitched roof 4.2m to eaves and 5.6m to ridge. It would be constructed in concrete prefabricated panels with weather boarding to the upper walls, under a box profiled sheet roof including ventilation and roof lights. The building would be accessed from the north east corner of the field at the junction with Park Road and the access track to Kilnfield Farm. An area of hardstanding would be created providing access to the building and surrounding it to its front and sides. The building would face south-east and would be set approximately 18m from Park Road at its nearest point.

Following on from an email sent by the case officer the applicant has provided the following additional information:

“Machinery etc is currently stored in several areas across the farm be it in field corners etc. This is not an ideal situation, there is approximately £40,000 of equipment to go out and replace it, and it is currently deteriorating.

With regard to the location of cattle, the enterprise is for young calves bought at approximately 4-6 weeks, these are then bucket reared. We did construct a temporary shelter (sic) approximately 3 years ago which was the subject of an enforcement notice, and had to be removed as it was (not – sic) considered a temporary a structure. Again last year a more temporary structure was put up and again due to neighbour complaints was again the subject of an enforcement notice, the cattle are therefore currently grazing out at the farm, this is not an ideal situation. Previously we have rented building further afield to house the livestock, but this is not economical to do.

The cattle enterprise is small scale with approximately 15 head brought on to the farm at any one time, they are housed on a deep bed system which for cattle of this age is the best

method of housing, this alleviates the need for slurry storage as none is produced. The farm is not within the Nitrate Vulnerable Zone and as such manure spreading can be undertaken throughout the year, and as such animal waste does not need to be stored it can be spread directly on the ground 365 days a year if necessary from the road which runs the full length of the farm, the road is within our ownership for clarification.

As for a need for future buildings, we do intend to build this enterprise, although cattle numbers are somewhat limited to the capacity of the farm, I cannot categorically say that we will not require additional buildings in the future, however I am of the opinion that the building as proposed is of sufficient size to allow expansion of the existing enterprise and to provide sufficient accommodation for the full farm capacity at present.”

“In terms of the location selected, this is thought to be the least visually intrusive, it is the most convenient location, and furthest away from the residential units around the farm. It is positioned close to the main water supply which runs through the farm and also to a naturally occurring spring supply which will be utilised as drinking water. We have looked at other locations (and specifically the location in which the previous shelters were built which are the subject of the enforcement notices referred to above) but a visit from Brian Taylor and guidance obtained from him to my father indicated this would not be suitable for a larger scale unit as proposed and deemed necessary to house our existing operations.

Further this is one of the more level sites on the farm and therefore will reduce the construction costs.

With regard to sitting the building parallel to the road, there is a main gas pipe which runs through the farm along with a Fibreoptic cable and the positioning of these has also somewhat dictated the positioning of the unit as proposed.

We did look at a position to the rear of the hedge row alongside Park Road, however with the level of road, at this point, the building would be somewhat over shadowing of the road and domineering and far more visible to the residential units at Park House and Lower Park House, the building would require setting back into the field some distance to allow access to the front elevation as this would have to face Park Road due to the prevailing wind down the valley.

The location is also chosen because it will provide some protection to the building. The hill behind providing a wind break, and will also allow the building to blend more easily into the landscape, and allow the planting of screening if deemed necessary around the site.

With reference to the gated entrance to the south, I assume you means the gate opposite West End Villas(?) this again was considered to be too close to the residential units and could potentially result in noise pollution, further again was considered to be to open and would require excessive loss of land to provide access to the site and due again to the difference in levels between the field and road would potentially be over shadowing.”

“There will be no requirement for the erection of retaining walls or any cutting into the hill side (this would not be permitted due to the presence of the utility easements which are located at the foot of the hillside), this is one of the reasons we have chosen this site.”

“In response to the questions raised by Highways please see below.

The land at Kilnfield is visited daily, with I estimate 8-10 journeys along Park Road by my Father, my Brother and myself, which is increased significantly through the lambing season when it could be double.

In terms of Feed deliveries, this is anticipated to be no more than at present, although we currently collect feed ourselves using either the cattle lorry and or Landrover and trailer and this is done once every two weeks.

The Cattle Lorry probably visits the farm twice a month, as it is parked and stored off site where my Brother works in Glossop, and this is not expected to change.

In terms of the access point from Park Road, the entire length of the road from West End Villas to the Cattle grid and junction is within my Families ownership, with regard to its maintenance, my family provide materials for the road and neighbours have traditionally undertaken the labour, and is subject to an ongoing legal battle at present with the residents of Kilnfield Farm House and Hill End Farm for them failing to fulfil a Legal contract for its last maintenance.”

A further statement has been provided by the applicant which has been appended to this Report.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 3 Supporting a prosperous rural economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 5 Strategy for South West Rossendale
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 16 Preserving and Enhancing Rossendale’s Built Environment
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

6. **CONSULTATION RESPONSES**

RBC (Environmental Health)

No objections raised

LCC (Highways)

I would raise no objection to the proposal.

There is currently a level of daily vehicle activity by the applicant to the site from Park Road and this is unlikely to increase as a result of the proposal.

The number of feed deliveries and cattle wagon movements will remain the same.

LCC (County Land Agent)

The initial response from the County Land Agents was provided on the misunderstanding that the application was submitted under the prior approval procedure as permitted development subject to Part 6 of the T&CP GPDO. However, the use of a building for the accommodation of livestock is not permitted under Part 6 of the GPDO and a full planning application is required (as submitted). Additional comments were provided to correct the misunderstanding and the County Land Agent comments are summarised below:

- The design of the building is in accordance with the intended agricultural uses and as such, I consider the proposed design to be a purpose built building.
- The open fronted elevation will allow for easy access to and from the building.
- In terms of the proposed size of the building, I consider the scale is proportionate to the proposed uses and therefore is, in my opinion appropriate.
- The applicant stated that the siting of the building was chosen as they felt that it would have the least visual impact upon the surrounding area, was adjacent to the main access road for the unit and was situated in a reasonably sheltered area upon the unit.
- In most cases, I would advise that any new buildings should be situated adjacent to the existing farmstead and not within an isolated position as proposed, however, in this situation, as the farmstead has been sold off and there is now no operational centre for the business, I recognise the operational benefits of the proposed siting being adjacent to the main access to the land.
- It is however noted that the proposed siting would be in conflict with the applicant's intention to sell the land on which the proposed building is to be situated.
- Whilst I consider there is a need for a building upon the unit and the design is appropriate, the proposed siting would, in my opinion, be inappropriate under the current circumstances.

Based on the application being for full planning permission, I have the additional comments to make:

- It is my opinion that the building is suitable for housing stock and given the lack of buildings available to the applicant, I consider that there is justified agricultural need for the building for this use.
- During a recent telephone conversation with the applicants son, Mr Andrew Taylor, I was informed that the land upon which the proposed building would be sited has now been taken off the market. As highlighted within my report, I consider that the proposed location has a number of benefits and with the removal of the land from market, I believe that this concern has been addressed
- Mr Andrew Taylor has confirmed that they are no longer advertising a development option on the land at Kilnfield and the property had been removed from the market on Wednesday 11 February. He stated that should Rossendale BC have any concerns to this regard he would happily sign a section 106 agreement based on use of the building either with the land or personal to the business E Taylor and Sons.
- In terms of the proposed size of the building, as the use of the building for lambing is a temporary use only, I consider that the building is of a sufficient size to accommodate both sheep and cattle based on the current scale of operations in addition to providing general storage for the applicant's fodder, machinery and agricultural implements.

- Due to the scale of the holding and the fact that there are no existing buildings, it is my opinion that wider planning considerations would have an impact upon the proposed siting of the building, however I the proposed siting has the benefit of the adjacent access and is suitable from an operational point of view.

Further, they added:

- With the sale of the buildings and houses at Kiln Field, the centre of the farming operations has been lost, however the applicant has retained a reasonable acreage upon which he could set up a reasonable sized agricultural operation.
- As there are no existing buildings that could be used to support any type of farming enterprise, should the operations expand, it is highly likely that further development could be required and justified to support the growing business.

7. **NOTIFICATION RESPONSES**

Initially the development was advertised as development at the following site address “Land at Kilnfield Farm, Park Road, Helmshore”. Representations received considered that this inaccurately described the location as it suggested that the application related to Kilnfield Farmhouse itself.

Accordingly to ensure there was no confusion the development was re-consulted upon. Neighbours were notified by letter on 01/02/2015. A site notice was posted on 18/02/2015 and a press notice was published on 20/02/2015.

Five letters of objection have been received as summarised below:

- The proposed site for the very large barn and its access is entirely unsuitable due to the elevated position of the field on which it is intended to be built and the fact that this is where lanes meet. Hedgerows and water courses would be affected and the environment in general would suffer
- The area on which the proposers indicate they would want to build is currently an area of unspoilt countryside. This area is enjoyed by many families and walkers with hikes passing the area on a weekly basis. The field itself (and surrounding fields) are home to a significant amount of wildlife. Furthermore the field in which the plans are suggested are currently used by the local hunt indicating the great level to which this area of the valley is enjoyed. The proposed agricultural barn would therefore seriously disrupt the countryside. This would place habitats at risk and potentially reduce tourism to the area (i.e. the hunt and walkers). Thus there is potentially enormous impact on the local community as a beauty spot is destroyed.
- The plan does not adequately detail how existing foliage will be protected. Namely there are a number of hedges (e.g. hawthorn) that contribute to the natural beauty of the environment. These hedges could not remain in place if the proposal is accepted as the proposers would require access to the site. Not only has this not been considered but as of Sunday 8th February 2015 I observed the proposers actively cutting down said hedges in a manner that is not sympathetic to the area. As such this demonstrates the proposers are already destroying the landscape and I anticipate this would continue to an excessive extent if planning permission is given
- In terms of access there is no evidence of appropriate drainage to the proposed development

- The work proposed is in virgin field and will significantly impact on the environment and the surrounding area of Musbury Valley.
- There would need to be considerable ground work cutting away a high bank. Drainage and maintenance to the road is not discussed
- The plans do not take into consideration the destruction of the hedge and tree line to gain access to the site. This is along a footpath. This will have considerable impact on the visual environment, wildlife and fauna.
- The plans do not indicate how waste will be disposed of from the site and it's effect on the environment. Biological waste or any other form of waste disposal is not discussed.
- The plans are of poor quality and do not allow clear identification of the work proposed.
- The development is close to a road junction and will block the necessary view of traffic entering onto a single track road.
- Residents in the area are on spring water so any interruption can have very severe effects.

Other matters

Representations also relate to a number of other matters that are not material planning considerations. These include:

- Animal cruelty/animal welfare,
- Lack of land maintenance
- The work undertaken would likely be of poor quality
- Dogs being kept on site
- Postal address problems
- Police incidents

8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Visual Amenity/Countryside Impact; 3) Neighbour Amenity; 4) Highway Safety; 5) Land Drainage

1) Principle

The County Land Agent has confirmed that there is a need for an agricultural building to meet the needs of the existing enterprise. Agricultural development of this type is appropriate to its countryside location and the scheme would promote the development of the existing rural business in accordance with the NPPF. Accordingly the scheme is considered acceptable in principle.

2) Visual Amenity/Countryside Impact

Given the distance away from the Grade II Listed Kilnfield farm and the significant level differences between the site such that they would not be read together within the landscape I do not consider there to be an impact on its setting.

There is a clear justifiable need for a building of the size and design proposed. I agree with the County Land Agent who points out that such buildings should usually be sited adjacent to the existing farmstead. This would minimize the intrusion of buildings within the countryside and would also be beneficial in terms of functionality and security.

However, the land has been sold off from Kilnfield Farm and as such it would not be appropriate to locate the building in close proximity to it. It would also be unreasonable from an amenity point of view to locate the building close to other existing residential properties.

Furthermore the proposed site is close to the main access point into the farm and as such would be beneficial from a functional perspective.

I note concerns that the building would have some impact on the landscape being in an elevated position above the road and viewable from public vantage points. The building however, would be an appropriately designed agricultural building that in itself would have an affiliation with the countryside. It would in part be screened from Park Road by existing planting. I note neighbour concerns regarding some loss to the existing boundary treatments, but in my opinion the loss of hedging to the area would be minimal and further landscaping and details of the access and hardstanding could be conditioned, as could a lighting scheme to ensure that any light pollution is minimised.

The applicant has informed that the cattle would be housed on a 'deep-bed system' and as such there would not be a requirement for a midden or other measures to store waste. Having spoken with the LCC County Land Agents they advise that this would likely be appropriate for small numbers of cattle, possibly up to ten, however, given that this is a mixed use building and the applicant has stated that they have up to 25 cattle, and the enterprise could expand I do consider it necessary that full details of a waste storage facility should be provided, such that should the needs of the holding change then this facility could adequately accommodate.

A balance needs to be struck between the landscape impact and the needs of the enterprise. The applicant has provided an assessment of other potential sites within their holding which has been appended to this Report. Having regard to this and all other matters raised it is considered that on balance the scheme is acceptable in terms of visual amenity and countryside impact.

3) Neighbour Amenity

The nearest residential property is Middle Park House approximately 110m to the north-east of the site and at a higher level on the opposite side of Park Road. Kilnfield Farm is approximately 260 metres away and at a higher level to the north-west. West End Villas is located to the south-east approximately 150m away on the opposite side of Park Road at a lower level. There has been no objection from RBC Environmental Health.

4) Access / Parking

Neighbours have raised objection in respect of resulting traffic movements, however, there has been no substantive evidence that the development would lead to highway safety problems. Furthermore LCC Highways has raised no objection to the scheme. As there is already an agricultural business operating from the land and the proposed site is close to the main access road I do not consider that there could be a justifiable objection to the scheme in relation to traffic impacts.

5) Drainage and Private Water Supplies

Objections have been raised in relation to land drainage and an objection has been received from a resident indicating that residents in the area use spring water, although the objector does not state which properties do and the objector does not reside near to the site.

In allowing an appeal in October 2014 for an agricultural building (32m x12m) and associated hardstanding in Somerset the Inspector commented that there is a separate regulatory system that controls private water supplies. They also stated that concerns relating to seepage of waste and effluent from the building could be addressed through the imposition of suitably worded conditions relating to drainage, and through detailed design of the front and sides of the building. In respect of the current application before Members I can see no reason why such conditions would not be appropriate in this instance.

In relation to such drainage matters, and others raised in relation to waste disposal etc the Inspector also pointed out that the control of waste and drainage provision in relation to agricultural development is controlled and enforced by the Environment Agency. Farmers are required to follow the DEFRA guidance *Protecting our Water, Soil and Air – A Code of Good Practice for Farmer, Growers and Land Managers*. “It must be assumed that the pollution control regimes will be properly applied and enforced.”

In respect of the above I concluded in the visual amenity section that details for a midden would be appropriate. I also consider it would be appropriate from a waste perspective.

Furthermore the applicant has provided the following information:

“..the field in question is a bit of a patch system as a result of the Utilities which have been put through it over the years and as such we will install a full new system following the construction should the planning be granted.”

Having regard to the above I consider the scheme acceptable subject to conditions.

9. **SUMMARY REASON FOR APPROVAL**

The proposed scheme is considered acceptable in principle and the applicant has demonstrated that there is a functional need for a building of the size and design proposed. On balance it is considered that the needs of the enterprise outweigh the impacts of the scheme on the essentially open and rural character of the area. Subject to conditions the scheme is considered acceptable in terms of visual amenity, neighbour amenity, highway safety and drainage. The development is considered to accord with the National Planning Policy Framework, and Policies 1, 8,16,18, 21, 23 and 24 of the Council’s adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That the application be approved.

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 following unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

- Planning application forms signed and dated
- Proposed site plan and elevations dated as received 15 December 2014

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. The building shall be constructed using the materials as shown on the submitted plans.

Reason: To ensure a satisfactory appearance to the development and to accord with Policies 1, 23 and 24 of the Council's Core Strategy DPD (November 2011).

4. Prior to commencement of construction of the building hereby permitted details shall be submitted for the approval of the Local Planning Authority of :

- a) the arrangements to be made for the storage and disposal of manure/soiled bedding materials associated with the building hereby permitted;
- b) the drainage/surface-finish of the floor of the building hereby permitted, together with drainage/surface-finish details of any surrounding apron;

The development shall be undertaken in accordance with the scheme approved in writing by the Local Planning Authority and the timetable then agreed for it, unless a variation is first agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate drainage in accordance with Policies 1, 23 and 24 of the adopted Core Strategy DPD.

5. No development shall take place until full details of the materials to be used in the construction of the external surfaces of the building, access track and hardstanding areas have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details. The building shall not be used until the access track and hardstanding areas are completed and made available for use as such.

Reason: To ensure the development does not detract unacceptably from the essentially open and rural character of the countryside, in accordance with Policies 1, 23 and 24 of the adopted Core Strategy DPD.

6. No development shall take place until both foul and surface water drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate drainage in accordance with Policies 1, 23 and 24 of the adopted Core Strategy DPD.

7. No development shall take place until full details of soft landscape works have

been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The submitted scheme shall include measures to manage and maintain the existing field boundaries. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner; 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 approval to any variation.

Reason: To ensure the development does not detract unacceptably from the essentially open and rural character of the countryside, in accordance with Policies 1, 23 and 24 of the adopted Core Strategy DPD.

8. No external lighting shall be installed until details of an external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be carried out in accordance with the approved scheme.

Reason: To ensure the development does not detract unacceptably from the essentially open and rural character of the countryside, in accordance with Policies 1, 23 and 24 of the adopted Core Strategy DPD.

9. 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 to 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 Policy 24 of the Council's Core Strategy DPD (November 2011).

10. Should the agricultural use of the site permanently cease the building hereby permitted shall be demolished in full, including the removal of any necessary foundations, associated hardstanding and access tracks and the land shall be reinstated to its former condition within a period of six months from that date the agricultural use ceases, unless the Local Planning Authority has granted planning permission for an alternative use of the building.

Reason: To protect the essentially open and rural character of the countryside, in accordance with Policies 1, 23 and 24 of the adopted Core Strategy DPD.