

Application Number:	2020/0169	Application Type:	Full
Proposal:	Erection of Agricultural Livestock Building	Location:	Woodlend View, Back Lane, Rising Bridge
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	21 July 2020
Applicant:	Mr P Canavan	Determination Expiry Date:	26 June 2020
Agent:	HPDA Ltd		

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

2. **SITE**

The application relates to a landholding of 0.8ha (2 acres), situated to the N of the Urban Boundary of Rising Bridge, within Countryside designated as Green Belt.

It is accessed from Blackburn Road (A680) via Back Lane and then an un-adopted road, over which runs a public footpath that then crosses the site.

The yard which fronts the road is at present largely screened from public view from it by 2m high close-boarded timber fences/gates. When the site was most recently visited the top of a caravan sited near to the site frontage could be seen over the fence and to its rear the pike of the partially-built stables. The applicant owns the agricultural building and grazing land extending behind the yard.

To the W side of the site the neighbours grazing land is at a somewhat lower level and slopes down from it. To the E side of the site is neighbouring agricultural/stables buildings; none are occupied for residential purposes. There appear to be no residential properties within 100m of the proposed building.

3. **RELEVANT PLANNING HISTORY**

2012/555 Erection of Stable Block

On 15/03/13 permission was granted, subject to conditions, for erection of a building, with 3 loose-boxes and a tack/feed room. It was to be sited 9m from the access road, with a gable facing towards it. With a slate roof and external walls of pitch-faced natural stone, it was to measure 4m x 16m x 2.5m to eaves and 4m ridge.

2013/038 Details Reserved by Condition 5 of Permission 2012/555

On 06/06/13 approval was granted for the submitted scheme, which proposed :

- hard-surfacing of an area to the E side of the stable block, to enable a vehicle (with horse-trailer) to park and turn within the site, without obstruction of the public footpath;
- planting of a hedge to the N and W sides of the stable Block of hawthorn & blackthorn; &
- 1.5m high post-&-wire perimeter fencing.

2013/0424 Proposed agricultural building (resubmission)

Approved

2018/512 Variation of Condition 2 of Planning Permission 2012/555 (to vary the facing materials of a stable block)

Approved

2018/0570 Erection of kennels for breeding/rearing sheepdogs

This application sought permission to erect a building in the position of the residential caravan. It was to measure 4.9m x 8.5m x 2.2m to eaves and 3.7m to ridge, with external walls of random pitch-faced natural stone and a roof of natural blue slate.

The submitted drawings showed that the building was to be sub-divided internally to create 8 kennels and a food-store.

On 28/01/19 permission was refused for 3 reasons:

1. By virtue of its size, siting and design, the proposed scheme would unduly and unnecessarily erode the essentially open and rural character of Countryside/Green Belt...
2. Each kennel will not have the attached dog-run that would be expected in order to enable each dog/family of dogs to independently exercise and toilet outside of their kennel during the day. The 2m high close-boarded fence presently bounding the yard may be of a height to keep dogs in; however, it forms an unduly prominent and urbanising feature for this rural setting...
3. A public footpath runs across the yard in close proximity to the only entrance to the kennel building, thereby limiting the ability to provide the building with attached dog-runs and/or let dogs loose in the yard if walkers are not to be prevented/discouraged from using the public footpath...

On 06/06/19 an Appeal was dismissed. The Inspector concluded:

- the proposed commercial kennel building is not a building for the purposes of agriculture. Consequently, it would be inappropriate development in the Green Belt.
- the proposal would adversely affect the openness of the Green Belt and it would harm the character of the countryside.
- Licensing of the kennels would be dealt with under separate legislation and, in this respect; the facility would need to meet the conditions set out in the Defra guidance². Following the reduction in the number of kennels from 8 to 2, the proposal appears to meet the minimum kennel area requirements for 2 breeding bitches. However, there is no provision for outdoor exercise areas for either kennel... while the detailed licensing issues are not a matter for this appeal to consider, from the evidence presented I am not persuaded that the appeal scheme has been well-designed or that it would function satisfactorily.
- the proposed commercial kennels would potentially house a significantly greater number of dogs than would be found on a working farm... I am not satisfied that the facility could be operated without detriment to footpath users.

Enforcement Notice On 26/10/18 an Enforcement Notice was issued requiring cessation of the residential use of the caravan and its removal from the site.

On 03/07/19 an Appeal was dismissed and the Enforcement Notice upheld with corrections and variations such that it required removal of the caravan, all residential paraphernalia, a white storage container and concrete hardstanding within 9 months.

4. **PROPOSAL**

This application seeks permission to erect a building in the position of the residential caravan. It is to be of the same dimensions/design/facing materials as the Kennels building considered under Application 2018/0570.

It is to measure 4.9m x 8.5m x 2.2m to eaves and 3.7m to ridge, with external walls of random pitch-faced natural stone and a roof of natural blue slate. It is to possess 1 window in each gable and a pedestrian-door in the elevation facing the yard. The SE corner of the building will be only 1m from the Public Footpath which diagonally crosses the yard, whilst the rear elevation of the building will be blank and stand 2m from the neighbours field, above which it will be somewhat elevated.

The submitted drawings show that the building is to be sub-divided, creating a usable space of 14sqm to each side of a central passageway & food-store.

The Planning Statement accompanying the current application states:

- It takes approximately 1 month for a turkey chick to hatch and a further 6 to 7 months to reach maturity. A turkey needs an area of approximately 0.58m². The proposed agricultural building has a gross floor area of some 41.65m².
- Thus, the proposed development is not inappropriate in the Green Belt, being a building for agricultural purposes. Moreover, in such circumstances there is no necessity to consider its impact on openness.
- There would be no adverse impact on character and appearance of the area... The proposed agricultural building is small both in terms of floor space and height. It is clustered with other larger buildings which have been approved by the LPA or have been allowed on appeal. The proposed materials are suitable for a rural area.
- No changes are proposed to the existing access... Footpath no 36 crosses the site but the proposed building is not sited on it.
- The nearest dwelling is some 142m away.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 6 Building a Strong, Competitive Economy
(inc Supporting a prosperous rural economy)
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well-Designed Places
- Section 13 Protecting Green Belt Land
- Section 15 Conserving & Enhancing the Natural Environment

Development Plan Policies

RBC Core Strategy (2011)

- AVP6 Area Vision for Haslingden & Rising Bridge
- Policy 1 General Development Locations and Principles

Policy 8	Transport
Policy 9	Accessibility
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity & Landscape Conservation
Policy 21	Supporting the Rural Economy & Its Communities
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

6. **CONSULTATION RESPONSES**

RBC Environmental Health

No objection due to size, location etc

LCC Highways

No objection.

The proposal raises no highway concerns. Request an Informative:

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order neighbours were notified by letter and a site notice posted.

The following comments have been received:

1Belgrave Street

Object

The street is already in use for another farm and it is completely unsuited to the type of traffic that we get. It is a narrow road with a difficult and steep turn at the top. Many vehicles struggle to get up if they are large, such as tractors and other farm vehicles. The noise and damage to cars and the road has affected everyone.

Putting the turkey farm up there would increase the problems we already.

5 Belgrave Street

Object

The road we live on is the only way they will be able to access the new facility. Already, we have tractors and wagons far too big for the road flying up and down at speeds quicker than most cars travel up the road, at all hours of the day and night. I also appreciate that heavy vehicles need to gather speed to make it up the steep incline at the top of the road but this puts people's lives in danger.

The road at the top of Belgrave Street is already an absolute disgrace. The tarmac and stone is coming away in large chunks every day and finds itself all over the street. When raining, it is like a landslide, and when dry, it's a huge slip-hazard to anyone walking on the street.

If the access were to be of better quality and we were not witnessing tractors and wagons getting stuck almost every other week - causing more and more damage to the road - then

maybe the objections wouldn't be so big. But it is only a matter of time until there is a very serious injury or worse.

This Turkey farm is only going to add to the traffic and in a quiet residential area.

7 Belgrave Street

Object

As a resident of the area for a number of years I have seen an increase in the traffic using our street to access the farms etc. already in that area. The noise and damage that the tractors, trailers, tankers, etc. have already caused is of grave concern.

The street is a narrow residential one, with cars parked on both sides, which have to park on both the road and the pavement to protect them from damage and the loose stones caused by these heavy vehicles.

The road is extremely hazardous due to the damage and also the speed of these heavy vehicles, all day and at unsociable hours, with young children living the houses on this street who we need to keep safe.

8 Belgrave Street

Object

This street is not an access road and is nowhere near big enough to become an access road. There have been cars damaged already from farm traffic using the road.

The road is also becoming severely damaged.

The smell and rats the farm will produce will affect not just us but surrounding areas and as there are popular restaurants nearby this would also be detrimental to.

14 Belgrave Street

Object

The street leading up to the proposed development, Belgrave St, suffers already from heavy wagons, tractors and other farming vehicles speeding up and down it.

Its dangerous crossing and the street is a right mess with debris washing down from the farms and tarmac wearing away at the top.

16 Belgrave Street

Object

Belgrave Street is already heavily trafficked and is already badly damaged due to excessive use and use of illegal tracked vehicles from the farmers above.

The constant damage to the road is causing debris which is blocking our drained and creating pot holes in our roads.

Our houses and cars are continuously being damaged due to the levels of traffic and vehicles going up to the farms above. My house alone has had wagons "resting" on the side walls awaiting a tow up the steep hill. We live in constant fear that we will return home from work one day and find a wagon in the sitting room.

The level of noise on this street is already high.

Turkey and poultry farms can be loud and often attract mice, rats and foxes to the area. We are also concerned as to what will become of the waste? Given that there are children living within the community, I cannot support a plan were they could be met with such obvious dangers.

The smell from farms above and the local factory can often be overbearing. The smell from a poultry farm would not be welcome.

631 Blackburn Road

Object

I worked on a chicken farm so I'm aware of the noise, smell, rats, foxes that will all come with a turkey farm and none of the above is wanted in a residential area.

The road which will be used is already severely damaged from other farms in the same area so I dread to think of how much worse it will become.

Very large trucks and tractors go up the very small street - over 30 times already today - causing damage to the parked cars of residents (e.g. loss of wing mirrors)

633 Blackburn Road

We have lived in the area for only a couple of years and in that time we have seen an increase in traffic using Belgrave St to access the farms. This is a narrow residential street with residents cars parked and young children playing. It is only a matter of time before there is serious damage to a vehicle or life.

There has been constant use of illegal tracked vehicles at all hours being unloaded on Blackburn Road and moved up the hill causing damage to the highway. The damage already caused has created a mass of loose stones that wash down Belgrave Street blocking drains and causing skid hazards. I can only imagine this will get worse when permission to build is granted.

Address Unknown

Object for the following reasons:

- 1) Extra traffic - There are already too many large vehicles travelling up and down Belgrave Street, to and from the area in question. We don't want any more!
- 2) Road damage - Our Street has already sustained immense damage due to wagons, tractors and excavation vehicles with Caterpillar tracks. No extra pot holes needed or extra stones flying up off the road to damage cars. The excess stones and mud cause drainage problems and cause cars to skid.
- 3) Safety - There are many children living on Belgrave Street and we feel it is becoming more dangerous for them due to all the larger vehicles travelling up and down.
- 4) Speeding - Vehicles already speed up and down our street and Back Lane to gather momentum to get up the steep hill. They rarely stop to see if any people or cars are on Back Lane. We are an end house and it shakes when tractors, wagons, pickups with trailers and vehicles with Caterpillar tracks go past.
- 5) Noise pollution - We don't want any more vehicle noise adding to what is already becoming an increasingly busy street. We don't mind hearing an odd sheep or lamb but we certainly do not want to hear turkeys!!
- 6) Smell - We can smell pies cooking at Holland's and that is further away than this Turkey place will be. We are very worried about what sort of waste there will be, how much and how they will dispose of it.

Address Unknown

Object to anymore development on the sites above Belgrave St. due to increase in size of the vehicles - ranging from stone-carrying dumper trucks to agricultural tractors with trailers and 4x4 with trailers. Vehicle damage is a common occurrence.

8. ASSESSMENT

The main issues to consider are:

- 1) Principle; 2) Character & Appearance;
- 3) Neighbour Amenity; & 4) Access/Parking.

Principle

The proposed building is to be erected in Countryside designated as Green Belt.

Section 13 expresses the great importance the Government attaches to Green Belts, the essential characteristics of which are stated to be “*their openness and their permanence*” :

- “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*” (Para 143)
- “*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are [amongst other things] :*
 - a) *buildings for agriculture and forestry*” (Para 145)

Section 6 of the NPPF is supportive of proposals adding to economic activity/employment. With respect to the rural economy:

- “*Planning policies and decisions should enable:*
 - a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) *the development and diversification of agricultural and other land-based rural businesses;*
 - c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
 - d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*” (Para 83)
- “*...it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*” (Para 84)

Consistent with Government guidance, Policy 1 of the Council’s adopted Core Strategy sets out the approach the Council will take to “*maintain Rossendale’s distinctive environment*”, with respect to Green Belt stating that national planning guidance is to be followed. Policy 21 is entitled ‘Supporting the Rural Economy & Its Communities’, whilst Policy 23 of the Core Strategy is entitled ‘Promoting High Quality Designed Spaces’.

There is no objection in principle to erection of an agricultural building in Countryside / Green Belt.

Character & Appearance

Although the proposed building will displace a residential caravan, that caravan is in breach of an Enforcement Notice.

The proposed building will be visible at close-quarters from the lane and the Public Footpath which crosses the yard. However, it will not appear unduly prominent or intrusive, to be of the same facing materials as the previously-permitted/part-built stables building, with a gable sited 1m from the gable of that building and with a larger footprint.

The close-boarded fence which presently goes a long way towards screening the caravan from the lane is not itself appropriate as it forms an unduly prominent and urbanising feature in this rural setting. When the Council granted permission to Application 2018/0512 it was subject to a condition that sought to address this matter in a manner that would not have required submission of a further application for approval of details of hard-landscaping and boundary treatment.

The Applicant appealed against this condition. The Inspector concluded:

“...having regard to the site’s prominent location within the Green Belt/countryside, I consider that a varied landscape and boundary treatment condition would be necessary and relevant to planning and to the development being permitted, to safeguard the essentially open and rural character of the area.”

The Inspector replaced the Condition imposed by the Council with one that reads as follows:

Prior to the first use of the stable block hereby permitted, a landscaping and boundary treatment scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include full details of the following:

- a. A plan showing details of the means of enclosure to each boundary of the site, to include its overall height and appearance as well as the materials to be used in its construction;
- b. A scheme of soft landscaping to the rear and north-west facing elevation of the stable block as shown on the site plan, to include details of species and size of plants;
- c. A scheme to demonstrate a reduction in the amount of hardstanding to a size proportionate to the needs of the stables hereby permitted to facilitate a vehicle (with horse trailer) to park and turn within the site without obstruction of the public footpath crossing the site.

The approved details (a) and (c) shall be completed prior to the first use of the stables hereby permitted and thereafter retained. The soft landscaping approved in accordance with (b) shall be implemented and completed in the first planting season following the first use of the stables hereby permitted. Any plants that are removed die or become seriously damaged or diseased within 5 years shall be replaced with plants of the same size/species in the following planting season, unless otherwise approved by the local planning authority.

To ensure appropriate landscaping and boundary treatment it is considered appropriate to attach a similar condition.

Neighbour Amenity

The proposed building will stand well-away from neighbouring buildings. Accordingly, it will not result in a significant loss of amenity for neighbours by reason of loss of light/outlook/privacy.

It is of modest size - having a footprint of 4.9m x 8.5m - , with far bigger agricultural/stables buildings nearby, and will be 100+m from any dwelling.

The Council's Environmental Health Unit has raised no objection. It is satisfied that the building is of a scale/of sufficiently robust construction noise break out will not be an issue for neighbours.

Access/Parking

Notwithstanding the objections of residents to use of Belgrave Street to access the proposed building, the Highway Authority has raised no objection to the proposal, satisfied that it will not materially alter the nature/volume of traffic on the local highway network.

The proposed building will not obstruct the public footpath which diagonally crosses the yard. Likewise, the yard is of sufficient size to enable vehicles associated with the intended agricultural use to park and turn clear of the lane without obstruction of it.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle in Green Belt and, subject to the conditions; it will not unduly detract from the character & appearance of the area, neighbour amenity or highway safety. The proposal accords with the National Planning Policy Framework and Policies AVP6 / 1 / 8 / 17 / 18 / 21 / 23 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That Permission be granted, 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: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development shall be carried out in accordance with the following drawings :

Title	Drwg No	Date Recd
Location Plan	-	15 / 04 / 20
Plans & Elevations	-	01 / 05 / 20

Reason: For the avoidance of doubt.

- 3) Prior to the first use of the turkey building hereby permitted, a landscaping and boundary treatment scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include full details of the following:
 - a. A plan showing details of the means of enclosure to each boundary of the site, to include its overall height and appearance as well as the materials to be used in its construction;
 - b. A scheme of soft landscaping to the rear and north-east facing elevations of the turkey building as shown on the site plan, to include details of species and size of plants;
 - c. A scheme to demonstrate a reduction in the amount of hardstanding to a size proportionate to the needs of the turkey building hereby permitted to facilitate a vehicle (with trailer) to park and turn within the site without obstruction of the public footpath crossing the site.

The approved details (a) and (c) shall be completed prior to the first use of the stables hereby permitted and thereafter retained. The soft landscaping approved in accordance with (b) shall be implemented and completed in the first planting season following the first use of the stables hereby permitted. Any plants that are removed, die or become seriously damaged or diseased within 5 years shall be replaced with plants of the same size/species in the following planting season, unless otherwise approved by the local planning authority.

Reason: In the interests of visual amenity and highway/pedestrian safety.

Informatives

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Public Footpath No 14-2-FP-36 runs through the site.
2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.