

<b>Application Number:</b>	2023/0522	<b>Application Type:</b>	Full
<b>Proposal:</b>	Agricultural Building	<b>Location:</b>	Land Off Hardman Avenue Rawtenstall Rossendale Lancashire
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	19/03/24
<b>Applicant:</b>	Michael McGuinn	<b>Determination Expiry Date:</b>	18/01/24
<b>Agent:</b>	Steven Hartley		

<b>Contact Officer:</b>	<b>Caroline Callow</b>	<b>Telephone:</b>	<b>01706 252432</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>Part Council Owned Land</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<b>No</b>
<b>3 or more objections received</b>	<b>No</b>
<b>Other (please state):</b>	

## **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 approved subject to the conditions set out in Section 10 of this report.

## **2. THE SITE**

The application site is accessed from Hardman Avenue along a rural lane. The site is a sloping site set to the south east of an area occupied by a number of shipping containers and other structures and an area of trees. It is defined as open countryside in the Rossendale Local Plan. There are a number of public footpaths in the vicinity of the site in particular FP1404255 running in a north south direction and FP1404265 in a north west to south east direction.

It is understood that some of the land over which the access to the site passes is owned by Rossendale Borough Council – as such the application is brought before Committee for determination.

## **3. RELEVANT PLANNING HISTORY**

None

## **4. PROPOSAL**

The proposal is to erect an agricultural building with a floor area of 240 square metres, measuring 20m by 12m with a height to eaves of 4.5m and a height to ridge of 7m. The proposal is to build it of natural stone with a blue slate roof. The applicant has indicated that the building will be used for the storage of agricultural machinery, for the storage of hay and for lambing as the applicant develops a flock.

## **5. POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework**

- Section 2 Achieving sustainable development
- Section 4 Decision-making
- Section 11 Making Effective Use of Land
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment

### **Development Plan**

#### **Local Plan 2019-2036**

- Policy SS: Spatial Strategy
- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Urban Boundary and Green Belt
- Policy ENV1: High Quality Development in the Borough
- Policy ENV3 Landscape character and quality
- Policy ENV4 Biodiversity, Geodiversity and Ecological Networks
- Policy TR4 Parking

### **Other Material Planning Considerations**

- National Planning Practice Guidance
- National Design guide

## **6. CONSULTATION RESPONSES**

LCC Highways – No objections

LCC Public Rights of Way- No comments received

RBC Environmental Health – Recommend condition regarding hours of working

Environmental Protection – See comments below

RBC Property Services - No comments received

Lancashire Fire and rescue- Provided information for the applicant's attention (forwarded to applicant)

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order neighbouring properties were notified on 23.11.2023 and a site notice was posted on 05.12.2023.

No representations were received.

## **8. ASSESSMENT**

The main considerations in this case are as follows:

1. Principle
2. Visual Amenity
3. Neighbour Amenity
4. Access, parking and highway safety
5. Land Contamination

### Principle

New agricultural buildings are normally viewed as appropriate forms of development to locate within open countryside areas.

The application currently being considered is a full planning application and there is no policy test contained within the Framework or the Council's Local Plan which would require the applicant to demonstrate that there is an existing agricultural need for the proposed building. This is in contrast to the 'prior notification' procedure under the GPDO where a new building would need to be reasonably necessary for the purposes of agriculture to qualify for the relevant permitted development right.

In this case the applicant has set out their reasoning for requiring the building, stating:

*"The applicant owns some 11.3 acres of surrounding land, with the use of other land in Haslingden and Stacksteads. He has an agricultural holding number (21/387/1104). The proposed building would be used for the storage of agricultural machinery, for the storage of hay and for lambing as he develops a flock."*

It has been established in case law that the Framework sets no limits on the scale of such a building (in principle) or requires evidence of its necessity for existing agricultural use.

A recent appeal decision for Pewitt Hall Farm stated: *“There is no explicit requirement in local or national policy for the size or design of the proposed agricultural building to be justified in terms of its use and functionality.”*

The site lies within an area of countryside, situated approximately 160m from the nearest residential property. Having regard to the above and to the principal consideration in this case that agricultural use is appropriate in a countryside area, the proposed development is considered acceptable in principle.

The determination of whether the size and scale of the building are appropriate in visual terms (character and appearance) requires separate site-specific assessment against the requirements of Policies ENV 1, ENV 3, and ENV4 of the Local Plan and sections 12 and 15 of the Framework – this will be assessed below.

### Visual Amenity

Policy ENV3 of the Local Plan advises that:

*The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions. Development proposals which are in scale and keeping with the landscape character, and which are appropriate to its surrounding in terms of siting, design, density, materials, and external appearance and landscaping will be supported.*

*In order to protect and enhance the character and quality of the landscape, development proposals should where appropriate:*

- *Not have an unacceptable impact on skylines and roofscapes;*
- *Incorporate native screen planting as a buffer to soften the edge of the building line in valley side locations;*
- *Take into account views into and from the site and surrounding area, retaining and, where possible, enhancing key views;*

*Development proposals should incorporate a high quality of landscape design, implementation and management as an integral part of the new development. Landscaping schemes should provide an appropriate landscape setting for the development and respect the character and distinctiveness of the local landscape.*

The building will occupy a relatively isolated freestanding position. The agent has explained that it needs to be sited here so that it is close to the fields where the applicant’s sheep will be kept. In this position the building will be set down into the hill side and although it will be visible from a nearby public footpath FP1404265 it will be relatively well-screened in the landscape due to the presence of nearby trees and woodland.

It will be of an appropriate design for a structure of this nature and will be constructed of natural stone and reclaimed natural slate and incorporating a pair of vertical timber boarded full height doors.

On balance it is considered that the development will be acceptable in design, scale and position, reasonably satisfying the requirements of Policies ENV1 and ENV3 of the Local Plan and Sections 12 and 15 of the NPPF in visual amenity terms.

## Neighbour Amenity

There are no nearby residential properties in the immediate vicinity of the site that would be adversely impacted, in respect of overlooking, privacy, light and general disturbance. The Council's Environmental Health team has raised no objection.

## Highway Safety

LCC Highways have advised that they have no objections to the proposal and the application is therefore, considered acceptable on Highway safety grounds.

## Land Contamination

The Council's land contamination consultant has advised that if the area has been open to general public access then fly-tipping or burning activities may have taken place which are potential sources of contamination. Activities associated with farming are also a potential source of contamination (e.g. storage of materials, machinery, etc.). It is therefore recommended that an informative is included in respect of having a contaminated land watching brief.

## **9. CONCLUSION**

The proposals are considered to be acceptable in principle, and would not cause undue harm to visual amenity, residential amenity or highway safety. As such, the development accords with the requirements of the National Planning Policy Framework and the Council's adopted Local Plan.

## **10. 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 the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

Drawing Title	Drwg No	Date Rec'd
Location Plan	MM 071123A	08/11/23
Proposed Site Plan, Floor Plan, Elevations and Cross Section	HC-30-10-23 C HC-30-10-23-A	25/01/24 25/01/24
External Materials	MM.290224.B	01/03/24
Landscaping Proposals	MM.290224.A	01/03/24
Bat and Bird Biodiversity Enhancement	MM.290224.C	01/03/24

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. Prior to first use of the building hereby permitted, or prior to substantial completion of the building (whichever is the sooner), the submitted landscaping proposals (MM.290224.A) and biodiversity enhancement proposals (MM.290224.C) shall be implemented in full. Any

planted trees / hedges which within 10 years of being planted fail, become diseased, die or are removed, shall be replaced with similar specimens in the next planting season.

Reason: In the interest of securing a net gain in biodiversity on site and in the interests of visual amenity.

4. The development shall be constructed in strict accordance with the submitted details relating to the external materials (MM.290224.B).

Reason: To ensure a satisfactory appearance to the development.

5. Construction works shall not take place outside the following hours:

Monday to Friday 08:00 to 18:00  
Saturday 08:00 to 13:00

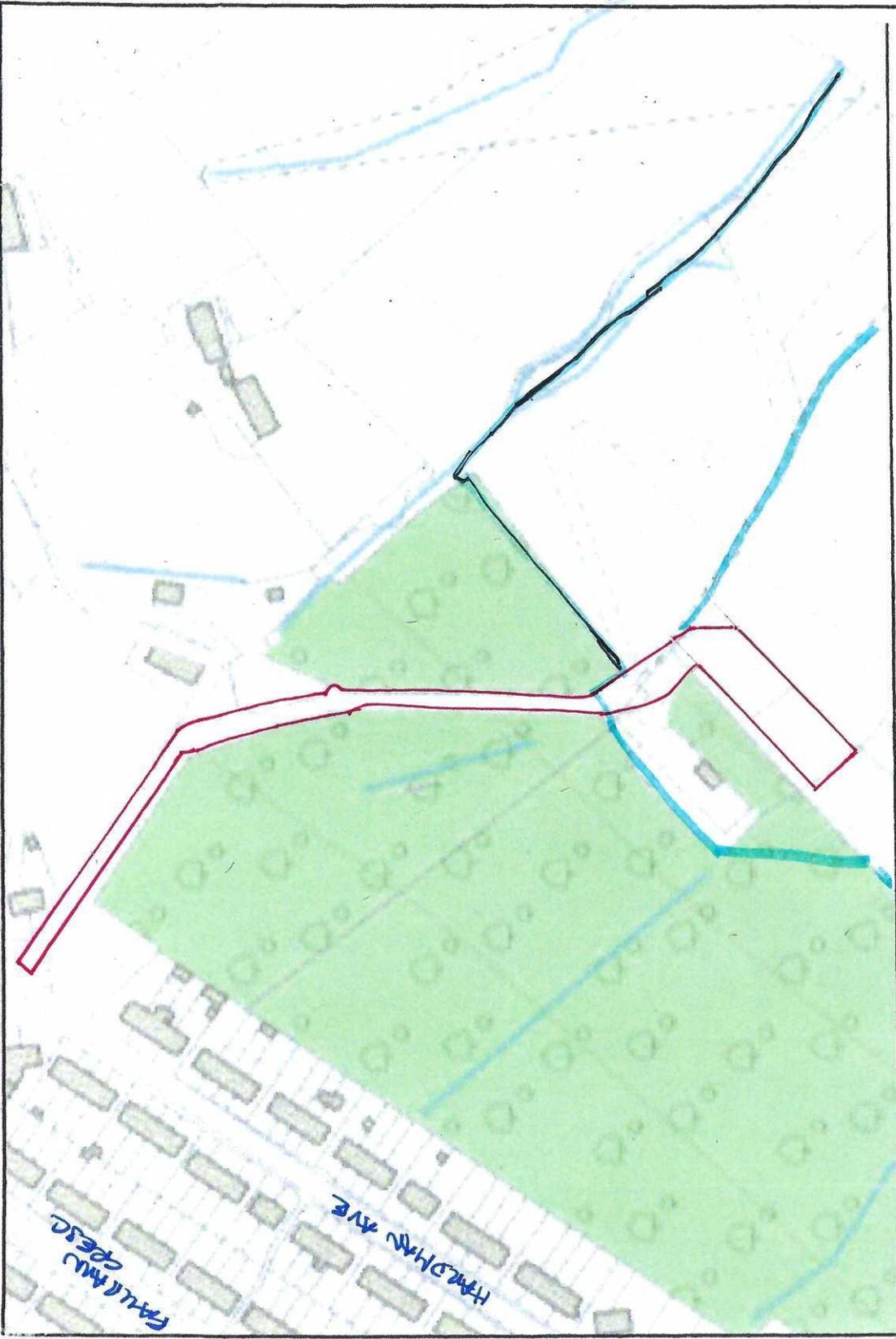
Construction works shall not take place on Sundays or Bank or Public Holidays.

Access and egress for construction delivery vehicles shall be restricted to the working hours indicated above.

Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

## **11. INFORMATIVES**

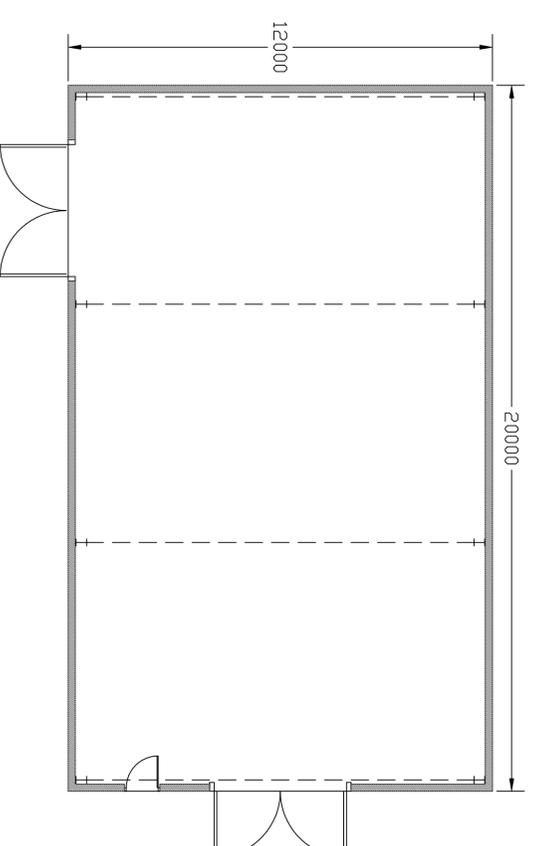
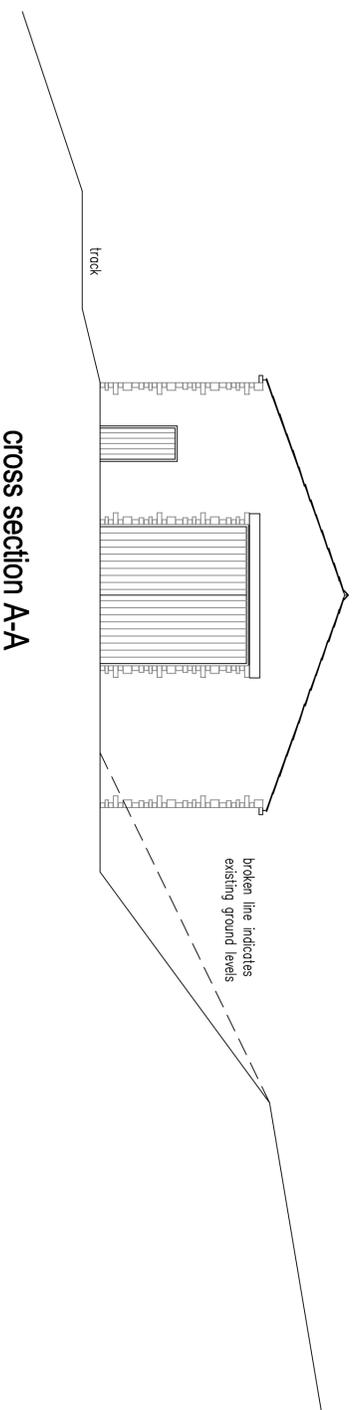
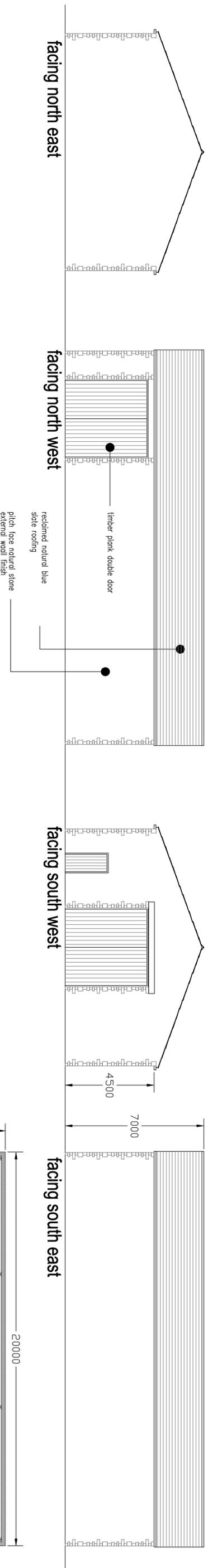
1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).
3. The applicant is advised that no burning of materials should take place at the site.
4. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.



REF. MH 071123.A.

1:2500

LOCATION PLAN



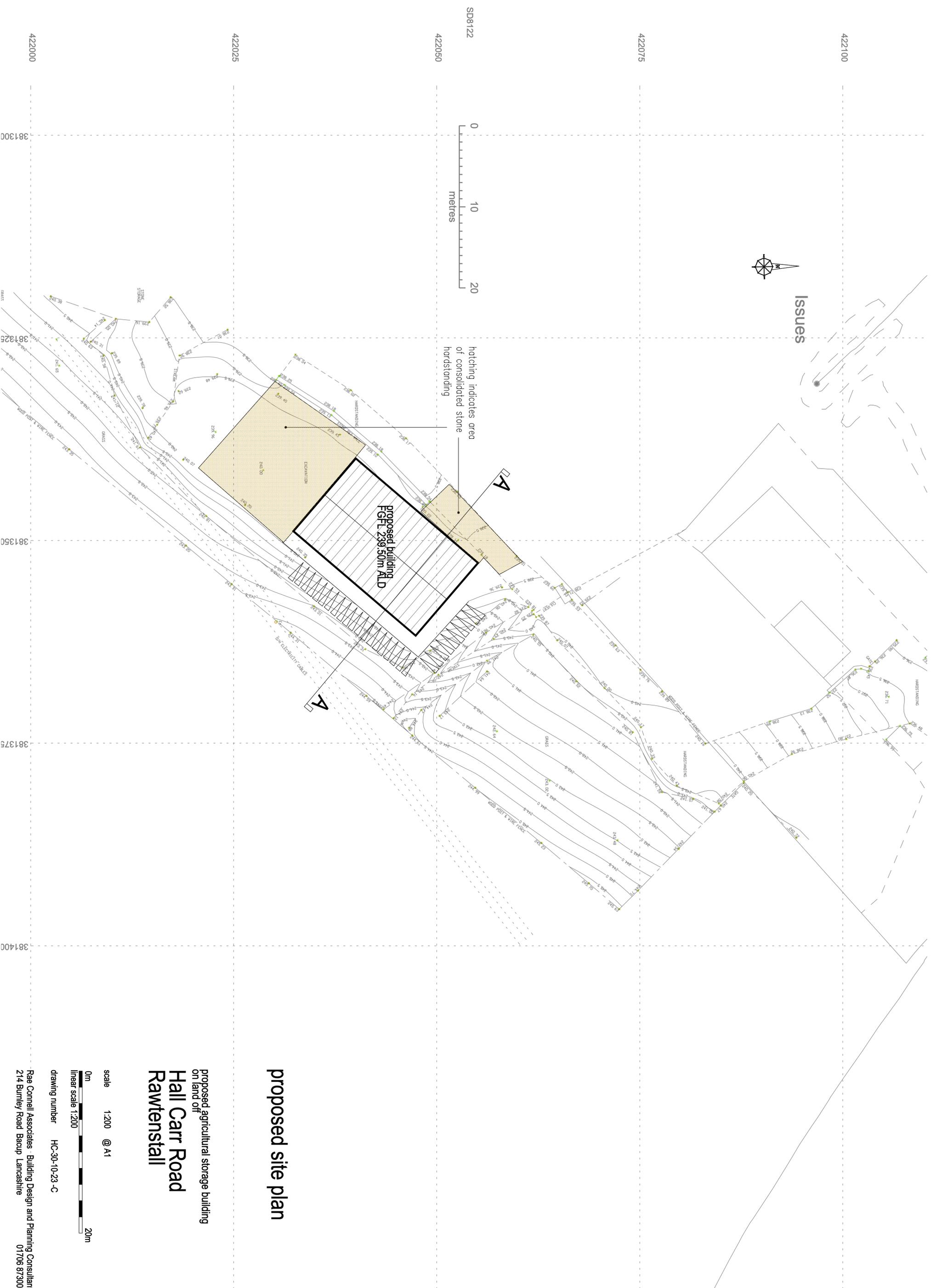
**floor plan**  
scale 1:100  
**details of proposed building**

proposed agricultural storage building  
on land off  
**Hall Carr Road**  
**Rawtenstall**

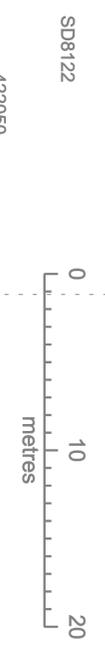
scale 1:100 @ A1



drawing number HC-30-10-23-A



Issues



hatching indicates area  
of consolidated stone  
handstanding

Proposed building  
FGFL 239.50m A.L.D

**proposed site plan**

proposed agricultural storage building  
on land off  
**Hall Carr Road**  
**Rawtenstall**

scale 1:200 @ A1



drawing number HC-30-10-23-C





