

<b>Application Number:</b>	2025/0068	<b>Application Type:</b>	Full Planning Permission
<b>Proposal:</b>	Erection of agriculture buildings (Retrospective)	<b>Location:</b>	Wholaw Tongue Farm Coal Pit Lane Whitewell Bottom Rossendale Lancashire BB4 9SB
<b>Report of:</b>	Head of Planning and Building Control	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	07.10.2025
<b>Applicant:</b>	Mr K Smith	<b>Expiry Date:</b>	10.10.2025

<b>Contact Officer:</b>	<b>Claire Bradley</b>	<b>Telephone:</b>	<b>01706 238636</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>Major application</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</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 Committee is minded to approve retrospective permission subject to the conditions outlined under section 11 of this report;

## 2. APPLICATION SITE

Wholaw Tongue Farm is located approx. 1.7 miles to the north-east of Waterfoot (town centre), in an elevated position above Whitewell Bottom / Scout Bottom.

The farm has a total area of 9.07 hectare (22.42 acres) and is a working farm. The farm has been operational for approximately 100 years and the principal access is off Coal Pit Lane.

The farmstead consists of a farmhouse and a number of agricultural buildings that have been erected without planning permission and are the subject of this application.

## 3. RELEVANT PLANNING APPLICATION HISTORY

No relevant planning history.

## 4. PROPOSAL

The planning application is retrospective and proposes to retain a number of agricultural buildings that have been erected to allow for the welfare of the farm animals and to protect the farming activities on the site.

The application proposes the following buildings (metres):

Trailer - 4.46x15.3  
Kennel - 4.1x5.3  
Young Heifer - 17x8.9  
Cow and Calf - 25.9x8.9  
Straw - 11.7 x6.1  
Lambing - 23.1x15.2  
Haylage - 15.6x6.5  
Stirk - 13.4 x 8.1

The farm currently has:

65 Cows  
1 Bull  
15 – 20 Calves  
30 - 50 Sheep  
70 Pigs and Piglets  
3 Dogs  
12 Cats  
100 Chickens

In addition, every Christmas the farm holds around 150 Turkeys.

## 5. POLICY CONTEXT

### **National Planning Policy Framework**

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 6	Building a Strong Competitive Economy
Section 8	Promoting healthy and safe communities
Section 9	Promoting sustainable transport
Section 12	Achieving well-designed places
Section 14	Meeting the Challenge of Climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment

## **Development Plan**

### **Local Plan Policies**

SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

SD2: Urban Boundary and Green Belt

ENV1: High Quality Development in the Borough

ENV3: Landscape Character and Quality

ENV4: Biodiversity, Geodiversity and Ecological Networks

ENV5: Green Infrastructure networks

ENV6: Environmental Protection

ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality

### **Other material considerations**

National Planning Practice Guidance

National Design Guide

RBC Climate Change SPD

## **7. CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Summary of response</b>
LCC Highways	No objection
Agricultural Consultant	Confirmed that proposed development is acceptable and reasonably necessary for the purposes of agriculture
LCC LLFA	Whilst it is acknowledged that some details pertaining to a final detailed surface water sustainable drainage strategy have been provided by the applicant, the evidence provided is currently incomplete, therefore further details will still need to be secured from the applicant in order to ensure that surface water will be safely managed over the full lifetime of the development, without resulting in any increased risk of flooding, either on or off site

## 8. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 15.04.2025 and neighbouring properties were notified by letter sent out on 04.04.2025. The development was advertised on 25.04.2025

No representations have been received

## 9. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity/Landscape Impact;
- 3) Residential Amenity;
- 4) Access, Parking and Highway Safety
- 5) Flooding and Drainage

### **Principle**

Policy SD2 of the Rossendale Local Plan states that “All new development in the Borough will take place within the urban boundaries defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area

The application site lies outside of the Urban Boundary, as identified by the Council’s adopted development plan, and wholly within the Countryside area, where it would not be inappropriate or unusual to develop agricultural facilities such as the buildings that have been constructed.

It is also noted that the Framework supports economic growth in rural areas and seeks to support sustainable growth and expansion of rural/agricultural businesses through well-designed new buildings (including through the conversion of existing buildings).

The Council’s Agricultural Consultant has advised that the buildings are reasonably necessary for agricultural purposes.

It should be noted that 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. It is also acknowledged that 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.

It is a principle of planning law that a use (such as the proposed agricultural use of the building in question) will persist until such time as it is supplanted by another use, or by the implementation of an inconsistent permission, or the carrying out of acts inconsistent with the continuation of any existing use. If in future the building is used (without the required planning permission) for non-agricultural purposes, then the Local Planning

Authority would have the powers available to it to take any necessary enforcement action to remedy such breach.

The determination of whether the siting, size, scale and appearance of the building are appropriate in visual terms (character and appearance) requires a separate site-specific assessment against the requirements of the Rossendale Local Plan policies SS, SD2, ENV1 and ENV3, and sections 12 and 15 of the Framework. This will be assessed below.

### **Visual Amenity / Layout and Design / Heritage Impact**

Section 12 of the Framework requires all new developments will function well and add to the overall quality of the area, are visually attractive and are sympathetic to local character, including landscape setting.

Section 15 of the Framework requires that new developments contribute to the enhancement of the natural environment by recognising the intrinsic character and beauty of the countryside.

Policy SS of the Local Plan states:

*“The Council will focus growth and investment in and around the Key Service Centres, with development supported in other areas taking account of the suitability of the site, its sustainability and the needs of the local area, whilst protecting the landscape and existing built form and the character of rural areas.”*

Strategic Policy SD2 of the Local Plan states:

*“All new development in the Borough will take place within the Urban Boundaries, defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.”*

Policy ENV1 of the Local Plan requires the highest standard of design and appearance in new developments and expects all proposals to take account of the character and appearance of the local area.

*“All proposals for new development in the Borough will be expected to take account of the character and appearance of the local area”.*

Policy ENV3 of the Rossendale Local Plan states:

*“The distinctive landscape character of Rossendale, including large scale sweeping moorlands, pastures enclosed by dry stone walls, and stonebuilt settlements contained in narrow valleys, will be protected and enhanced.*

*The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment...”*

The buildings are contained in a farm yard adjacent to the dwelling. The site is positioned in an area of land with sloping contours and has the appearance of a hollow. The buildings sit at the lowest point in the hollow and are well screened from

both short and long-distance views by some mature trees and vegetation that is already in place.

The buildings are constructed from a mixture of concrete block and Yorkshire boarding or metal profile sheeting over a steel frame.

The local area is characterised by open fields and the buildings do not appear out of keeping with the rural character of the area – given such buildings have a clear affinity with the countryside. Furthermore, the facing materials of the building's construction are of a type that are normally used for development of this nature.

It is considered that the buildings are acceptable in size, scale and massing and design for use as agricultural buildings for the farming enterprise at the site and do not impact on the landscape character or quality of the area

As such, the scheme is in accordance with Policy ENV1 and ENV3 of the Rossendale Local Plan and the NPPF.

### **Residential Amenity**

The Framework advises that Planning policies and decisions should ensure that developments:

*“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”*

Policy ENV1 of the Local Plan states that all proposals should take account of the following:

- “c) Being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the area*
- d) The scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being overbearing or oppressive, overlooking or resulting in an unacceptable loss of light:- nor should it be adversely affected by neighbouring uses and vice versa.”*

No residential properties are located near to where the proposed agricultural building is to be sited, and in view of this it is not considered that the proposed building would significantly detract from the living conditions of residents living nearby as a result of it being used to house livestock.

Having regard to the above, it is considered that the proposed development is acceptable in terms of neighbour amenity. As such, the proposal complies with Section 12 of the Framework and ENV1 of the adopted Local Plan.

### **Access, Parking and Highway Safety**

In terms of impact on access, parking and highway safety, the site is accessed from Shawclough Road, via Coal Pit Lane.

The Highway Authority have no objections to the development and it is therefore acceptable in terms of access, parking and highway safety.

As such, it is considered that the proposed development, with the recommended conditions, is in accordance with the Rossendale Local Plan and the Framework.

### **Flooding and Drainage**

As the application is a major application, a full drainage strategy is required.

LCC Local Lead Flood Authority have commented as follows:

*Whilst it is acknowledged that some details pertaining to a final detailed surface water sustainable drainage strategy have been provided by the applicant, the evidence provided is currently incomplete, therefore further details will still need to be secured from the applicant in order to ensure that surface water will be safely managed over the full lifetime of the development, without resulting in any increased risk of flooding, either on or off site*

The development as submitted is acceptable, and subject to appropriate conditions recommended by the LLFA, the development is in accordance with Policies ENV1 and ENV9 of the Rossendale Local Plan.

## **10. CONCLUSION**

The proposed development is acceptable in terms of visual amenity, residential amenity, access parking and highway safety and flooding and drainage.

Subject to appropriate conditions the proposed development is acceptable and in accordance with the Rossendale Local Plan and the Framework.

## **11. CONDITIONS**

1. The development shall be carried out in accordance with the following drawings/documents, unless otherwise required by the conditions below:

Application form signed and dated received 26.02.2025

Location Plan received 26.02.2025

Drawing No: 025/WT/002 - Elevations received 26.02.2025

Drawing No: 025/WT/001 - Site Plan received 26.02.2025

Drawing No: 025/WT/003 – Site Images received 26.02.2025

Drawing No: 25-400-001 - Proposed Drainage Arrangement Sheet 1 of 2 received 11.08.2025

Drawing No: 25-400-001 - Proposed Drainage Arrangement Sheet 1 of 2 received 11.08.2025

Drawing No: 25-400-002 - Proposed Drainage Areas received 11.08.2025

Drawing No: 25-400-003 - Exceedance Flow Arrows received 11.08.2025

Planning Statement received 26.02.2025    Public

Drainage Critical Results received 11.08.2025

Drainage Greenfield Discharge Rate received 11.08.2025

Drainage Storage Structure received 11.08.2025

2. Notwithstanding the information submitted, within three months of the date of this approval, a final surface water sustainable drainage strategy for the site shall be submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
  - i) 100% (1 in 1-year) annual exceedance probability event;
  - ii) 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
  - iii) 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i) Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
  - ii) Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
  - iii) Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iv) Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - v) Details of proposals to collect and mitigate surface water runoff from the development boundary;
  - vi) Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of the existence, route, condition and capacity of the existing surface water drainage systems to their outfall to the mapped ordinary watercourse/waterbody, to confirm this system can accept the additional runoff generated by the proposed development.
- d) A site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person.

*Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Paragraphs 181 and 182 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical*



## **12. INFORMATIVES**

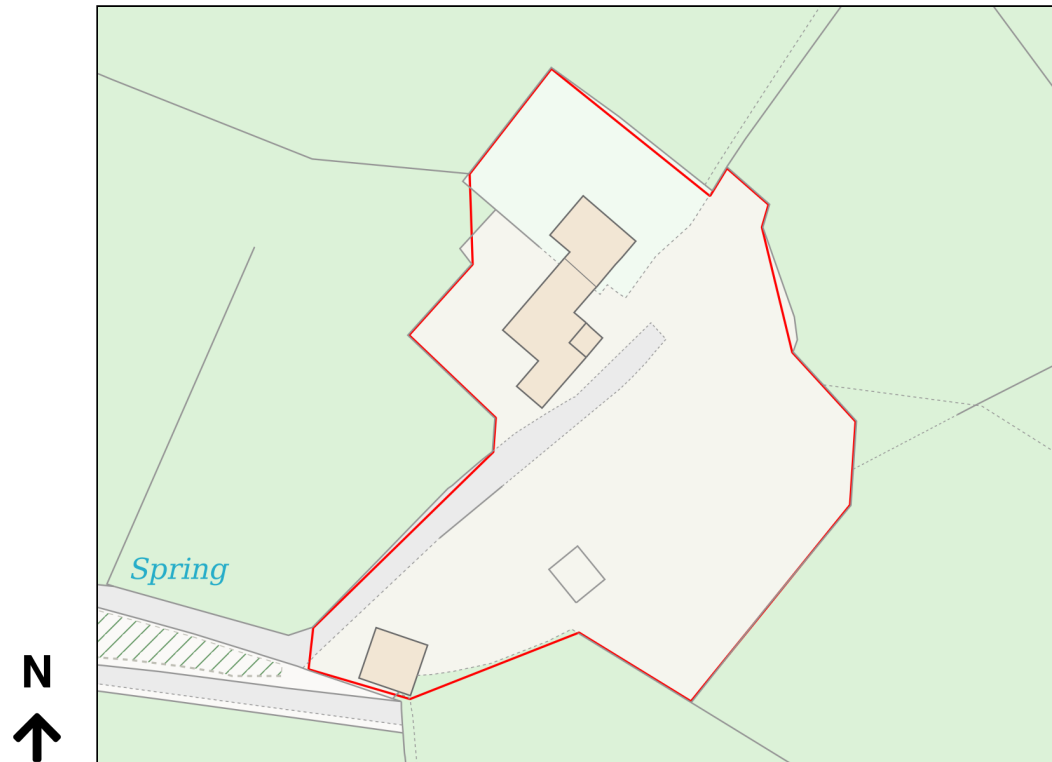
1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
2. Under Section 23 of the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, there is a legal requirement to obtain consent from Lancashire County Council, as Lead Local Flood Authority, prior to undertaking certain works on ordinary watercourses. This includes permanent and/or temporary works and may also include repairs to certain existing structures and maintenance works. Consent is required irrespective of whether the watercourse is open or culverted (piped or otherwise enclosed) and notwithstanding of any planning permission.
3. The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.

## Location Plan

Site Address: **Wholaw Tongue Farm, Coal Pit Lane, Whitewell Bottom, Rossendale, BB4 9SB**

Date Produced: **26-Feb-2025**

Scale: **1:1250 @A4**



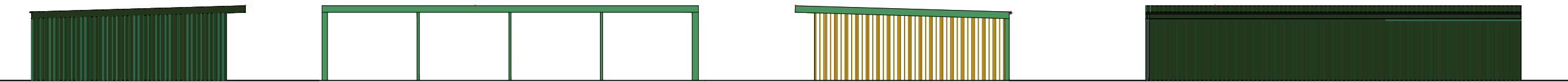
Planning Portal Reference: **PP-13805059v1**

0 50  
Metres

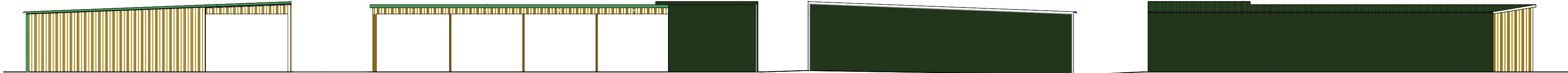
HAYLAGE STORAGE



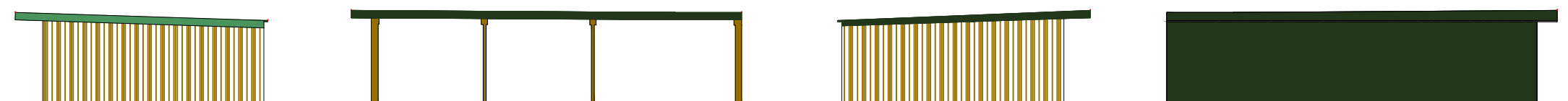
STIRK SHED



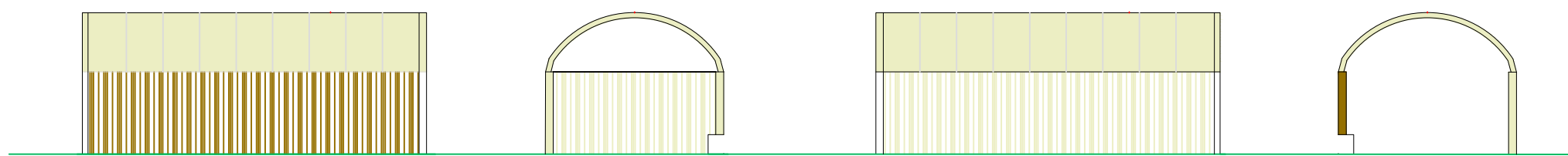
COW & CALF HANDLING SHED



YOUNG HEIFER



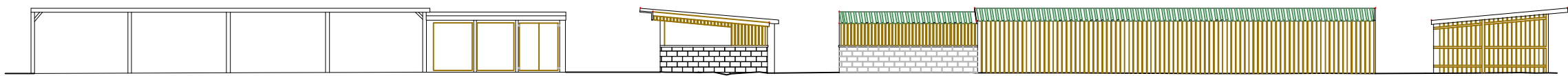
STRAW BARN



LAMBING SHED & PROVIN STORE



TRAILER STORE-KENNEL



REV	DESCRIPTION	DATE

ph

ARCHITECTURE

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7 Larkwood Close, Carrbrook,

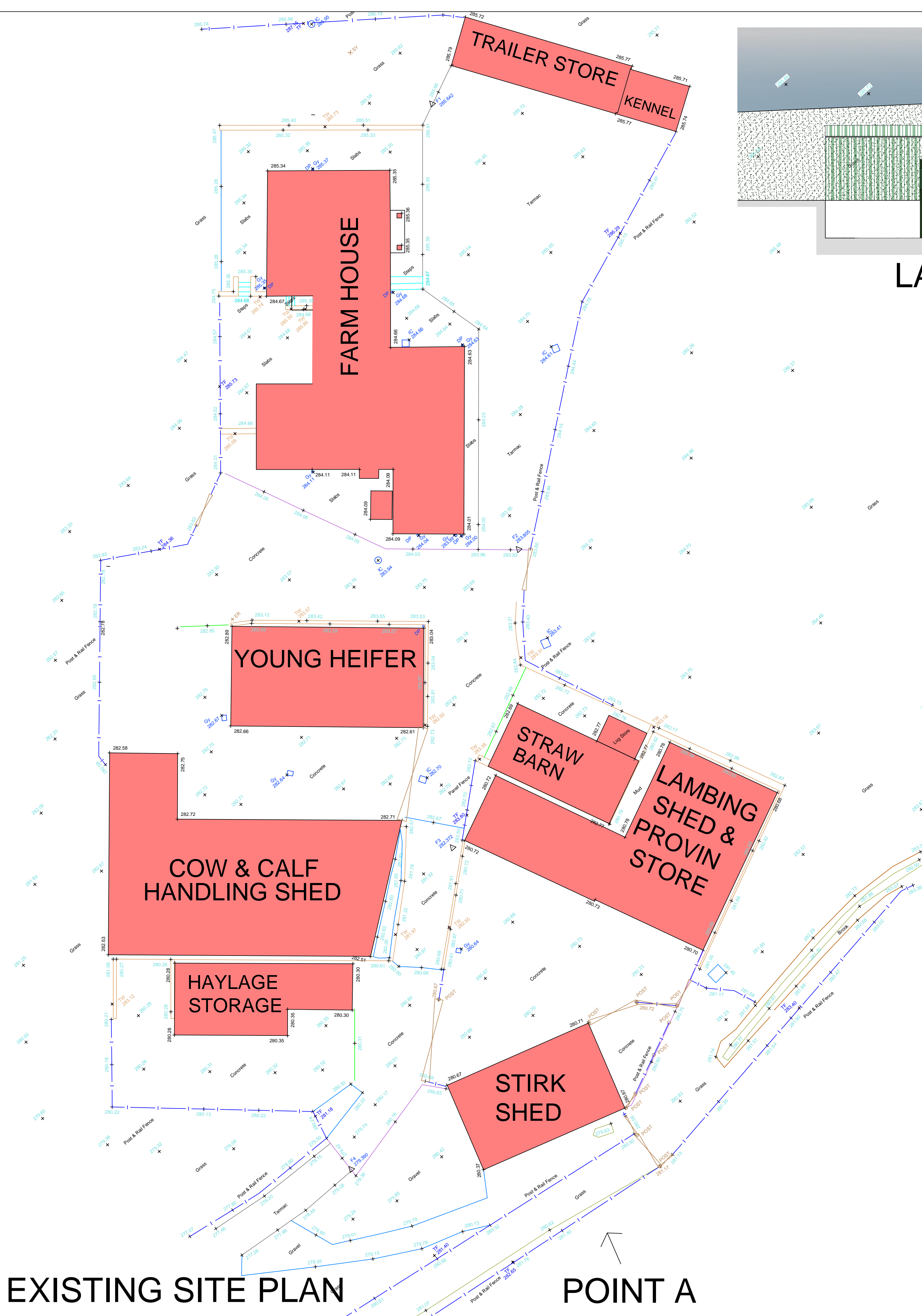
Sallybridge, Cheshire, SK15 3NL.

Drawing Number,	Date	
025/WT/002	FEB.25	
Revision,	Scale,	Drawn,
	1:100	PH

Drawing / Job Title,  
PROPOSED PLANNING APPLICATION  
FOR RETENTION OF VARIOUS BUILDINGS  
BUILDING ELEVATIONS

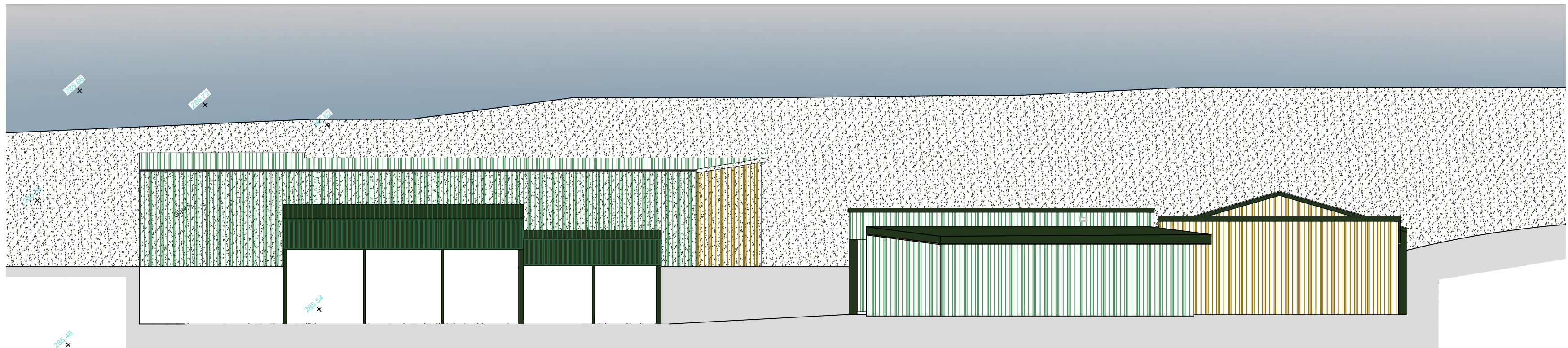
Client,  
Mr K Snith  
Wholaw Tongue Farm, Coal Pit Lane,  
Rossendale, BB4 9SB





EXISTING SITE PLAN

POINT A



LANDSCAPE ELEVATIONS FROM LANE  
SHOWING VARIOUS BUILDINGS



PHOTO FROM POINT A

REV.	DESCRIPTION.	DATE.

**ph**  
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Drawing Number, <b>025/WT/001</b>	Date <b>FEB.25</b>
Revision,	Scale, <b>1:100</b>
	Drawn, <b>PH</b>

Drawing / Job Title,  
**PROPOSED PLANNING APPLICATION  
FOR RETENTION OF VARIOUS BUILDINGS**  
**BUILDING SITE PLAN**

Client,  
**Mr K Smith  
Wholaw Tongue Farm, Coal Pit Lane,  
Rossendale, BB4 9SB**















