

Application Ref: 11/18/0206

Application Address: Smithacres, Back Lane, Baxenden.

Date Registered: 23rd May 2018

Date for Decision: 15th August 2018

Date Report Written: 17th July 2018

Description of Development: Full: Erection of no. 2 agricultural buildings (no. 1 for livestock and no.1 food store). Resubmission of 11/18/0054

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.

Site and Proposal

The application site is a long strip of land comprising a large area of hard standing with fields either side of it. Access is via a track from Back Lane

The site is located at the end of a ribbon of development along Back Lane and extends eastwards away from Back Lane. The area is predominantly agricultural in nature situated between a number of poultry sheds and Baxenden Cricket Club to the north. The site is located in the Green Belt.

Planning permission is sought for two agricultural buildings, one for the storage of food stuff and farm machinery and the other predominantly to act as a winter shelter for his flock of sheep. The buildings measure some 10m by 20m with a height to the eaves of 4m and an overall height of 5.2m. The buildings will be constructed from blocks up to a height of 1.5m with tanalised vertical timber Yorkshire boarding for the remainder of the building.

Consultations

Site Notice:	Site notice affixed, no comments have been received.
LCC Highways:	No objection but recommends that an informative is attached to any planning permission that might be issued.
Environmental Health:	No objection subject to condition.

Agricultural Assessment (Reading Agricultural Consultants)

I have studied the Applicant's Agricultural Justification & Planning Statement and find that whilst much is made of the agricultural use of the site for the keeping of 44 sheep and the capacity of the site to generate 2 crops of haylage per year, there is no evidence to support the claim that the proposed use of the site is truly sustainable. For instance, whilst it may be the case that two crops of haylage could be taken from the six hectares, that would deprive the sheep of valuable grazing land, necessary to finish lambs for sale.

In terms of stocking rates, about one hectare (2.5 acres) is considered adequate for 4 to 5 sheep on lowland pasture. In northern and upland areas, grass growth will be later than in the south, so it will support fewer sheep, possibly as few as one per hectare in areas with a cold wet climate. This level of stocking enables the farmer to rotate the grazing through the year, make hay to feed in the winter months, and allow a separate paddock for the ram, who can't be run with the ewes all the year round in order that lambing can be controlled.

Ideally, the land should be divided into three or four paddocks, so the sheep can be moved onto fresh pasture, so helping to preserve the grazing, by preventing the ground being contaminated with droppings which puts the sheep at risk from intestinal parasites. There is no indication that the grassland on the site has been improved or partitioned to enable this relatively high stocking rate to be achieved. If the land is overstocked, it is unlikely that the enterprise will be sustainable.

...which word brings us back to the golden thread running through the NPPF.

No evidence has been produced to show that the proposed use of the site is financially sustainable, the site may be sustainably located and the use make a contribution to the viability of the site, but there is no evidence that the business itself is sustainable. This requires a business plan and budgets to be prepared demonstrating that the enterprise is self-supporting and capable of providing a return on capital employed. At this stage, where a dwelling (temporary or permanent) is not being asked for, there is no need to demonstrate that the enterprise based on the site can produce a minimum wage in addition to a return.

Whilst policy may support the growth and expansion of rural businesses, it does not support the establishment of new businesses that cannot demonstrate that they are sustainable, both in terms of stocking rates, agricultural husbandry and economics. In this case, I also believe that the purposes for which the buildings are designed could better be achieved, in terms of both cost and flexibility of use, by a single structure, which may well also fit in better with the neighbouring poultry sheds.

Relevant Planning History

18/0054. ERECTION OF 2 NO AGRICULTURAL BUILDINGS (1 NO LIVESTOCK AND 1 NO FOOD STORE). REFUSED 13.04.2018

Relevant policies

Hyndburn Core Strategy Policies

BD1 Balanced Development Strategy
Env3 Landscape character
Policy Env6 High Quality Design
Policy Env7 Environmental Amenity

Development Management DPD

DM26 Design Quality and Materials

National Planning Policy Framework

Section 3 Supporting a prosperous rural economy
Section 7 Requiring good design
Section 9 Protecting Green Belt land

Observations

There are a number of issues that should be taken into account when considering this planning application; they are matters concerning Green Belt, the agricultural justification for the buildings, their visual impact on the landscape, their design and access.

Green Belt

The site is in the Green Belt and the Core Strategy (Policy DB1) states that development within the rural area will be limited to that supporting farm diversification and promoting leisure and recreational facilities and that the overall character of the Green Belt will be maintained.

Para 28 of the National Planning Policy Framework advises that Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This should include promoting the development and diversification of agricultural and other land-based

rural businesses. However, NPPF maintains that local authorities should the construction of new buildings in the Green Belt as inappropriate unless they meet one of the exceptions listed. Buildings for agriculture or forestry are one of the listed exceptions and are therefore considered to be appropriate development in the Green Belt.

The application states that the buildings would be for agricultural storage purposes including hay for feeding sheep and accommodating animals in inclement weather. This being the case the proposed buildings are therefore acceptable in principle in Green Belt terms.

Visual impact

It is considered that Policies Env3 and Env6 of the Hyndburn Core Strategy are relevant in this case. Policy Env3 of the Hyndburn Core Strategy seek to ensure that the development is appropriate to the landscape character within which it is situated and Env6 seeks to protect and enhance the character and quality of Hyndburn's urban and rural environments through high quality design.

It is considered that the proposed siting of the buildings is acceptable and would not result in an encroachment into the openness of the Green Belt. The land is also at a lower level than the rest of the surrounding area which would in some part hide the buildings from view of surrounding properties. The buildings design would also help blend the buildings into the landscape

Given the siting of the buildings in what is a prominent part of the site, it is considered they would not have a detrimental impact on the openness of the Green Belt and therefore in accordance with Policies Env3 and Env6 of the Hyndburn Core Strategy.

Design

Policy Env6 of the Hyndburn Core Strategy also seek to ensure that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design. Policy DM26 of the DM DPD also has similar aims.

In terms of the design and construction of the two buildings, they would be constructed from block work up to some 1.5m with the remainder of the walls being Yorkshire boarding. Access into the buildings would be through a steel roller shutter at one end and a doorway. Lighting would be provided from 14 roof lights and through the Yorkshire boarding. The use of Yorkshire boarding would also provide the livestock with vital ventilation essential for their well-being. The applicant has taken note of advice given in the previous application and has made the necessary changes. The proposal would not have a detrimental impact upon to character of the

rural environment and would be in accordance with Policy Env 6 of the Hyndburn Core Strategy and Policy DM 26 of the Development Management DPD.

Agricultural Justification

Although the Council sought the advice of reading Agricultural Consultants on the proposed development, a recent appeal decision¹ in the Borough has brought into question the extent to which the Council can require the applicant to justify or demonstrate a need for the development proposed, the Inspector stating:

“The Council state that there is insufficient evidence to demonstrate that the proposed building is reasonably necessary for agricultural purposes. However, neither the Framework nor any development plan policy requires evidence of the necessity for such a building. There is also no evidence before me that the building is intended to be used for a non-agricultural purpose.”

National Planning Policy Framework does not contain a requirement for the applicant to justify the proposal and the local plan policies are also silent on this. Although the advice of the agricultural consultant raises some queries about the sustainability of the business and also believes that the purposes for which the buildings are designed could be “better achieved” through the development of a single structure, he does not suggest that the development of two buildings is not justified. Although the applicant has not submitted a business plan that would show how it would operate, at present there is not a policy framework that requires this.

Given the recent appeal decision for a similar development on the near-by site at Sough Lane, officers do not believe that there are sufficient grounds to refuse the planning application for this reason.

The applicant has had sheep on the land and there are also bales on haylage stored at the site. During a recent site visit there was also a goat and two horses present at the site, although sheep have also been seen on the site earlier this year.

Conclusion

The development of buildings for agriculture is considered acceptable in the Green Belt by the National Planning Policy Framework. The design of the buildings is also considered acceptable and although some concerns have been raised about whether the proposed development could be better served by one building rather than two, officers do not consider that this is sufficient policy justification to refuse planning permission.

¹ Appeal Ref:APP/R2330/W/18/3198749 Sough Lane, Oswaldtwistle, BB1 2LR

The proposed development is considered to be acceptable in terms of its impact on the Green Belt, its siting, design and impact on the surrounding area and its impact on amenity as such, the application is recommended for approval subject to conditions.

The applicant has addressed many of the issues raised in the previous planning application. The siting of the southernmost building has been relocated to a more ideal location and the design has also improved to incorporate Yorkshire boarding that would give the buildings a more agricultural look as well as providing the live-stock with more light and ventilation.

Recommendation

Approve with conditions.

Conditions

- 1) The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

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

- (a) The planning application form and additional information dated 23rd May 2018.
 - (b) Submitted Plans drawing no 2, 3 and 4 dated 23rd May 2018.

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy and Policies DM26 and DM27 of the DM DPD .

- 3) Construction work and deliveries to and from the site (during construction) shall be restricted to between 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs on Saturdays. Construction work and deliveries (during construction) shall not take place on Sundays and Public holidays. All works shall be undertaken in accordance with BS5228:2009.

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 and to comply with Policy Env7 of the Hyndburn Core Strategy and DM29 of the DM DPD.

4) The agricultural buildings hereby approved shall only be used for the housing of animals and storage of agricultural plant and machinery.

Reason: In order to ensure the buildings, located in the Green Belt, are used for agriculture in accordance with the National Planning Policy Framework.

Informatics

It should be noted that the grant of planning permission does not entitle a developer to obstruct a right of way. Should a stopping-up or diversion of the right of way be required, for example to allow construction, it must be the subject of an Order under the appropriate Act. In such a case the applicant must contact the County Council's public rights of way team prior to the commencement of works.

- 1) 13a
- 2) 14
- 3) 15
- 4) 16
- 5) 17
- 6) 18