



Appeal Decision

Site visit made on 10 July 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2024

Appeal Ref: APP/P4225/W/23/3334570

Bank Top Farm, Hollingworth Road, Littleborough, Rochdale OL15 0AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Davies of Bank Top Farm against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 22/01216/FUL.
 - The development proposed is erection of a farm shop with café and community room and ancillary accommodation with access, parking, and landscaping and other associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the submission of the appeal, the Council has granted planning permission, subject to conditions, on the 17 June 2024, for the erection of a single storey farm shop building and café, access, parking and landscaping and other associated works at the appeal site, application ref. 23/01061/FUL (the approved scheme). I have been provided with details of this recently approved scheme and the main parties have made comments on such within their evidence. Consequently, the approved scheme is a material consideration, which I have had regard to in reaching my decision.
3. The approved scheme is for a smaller, single storey building compared to the appeal proposal. In comparison to the appeal scheme, the approved scheme omits the first floor education and community use elements, including the first floor terrace and part of the ground floor shop/café area which projects to one side of the building. This comprises a total reduced floor area of 202sqm¹ (including the terrace space and stairs and lift areas) and that the overall height of the main building would be 2.4m lower. It also includes changes to the car park area, omitting the parking space for a minibus and does not include the green roof elements that are included in the appeal proposal. Although, the proposed appeal building and the approved scheme would be in essentially the same position within the site.
4. Comments were sought from the main parties about the proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system and the National Planning Policy Framework: draft text for consultation, published 30 July 2024 and updated 2 August 2024 (draft Framework). The draft Framework is capable of being a material consideration, although as it is not yet adopted Government policy, it carries limited weight.

¹ Figures from Maybern Planning & Development's letter dated 28 June 2024

Notwithstanding this, the main parties have been given opportunity to comment on the proposed changes.

5. After the Council made its decision on the planning application for the appeal proposal, it adopted Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, and Wigan 2022 to 2039 (March 2024) (PfE). The main parties refer to this document and relevant policies in their evidence and, this document forms part of the adopted development plan for the borough. Therefore, I have had regard to it in reaching my decision.

Main Issues

6. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area; and,
 - whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

7. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be agreed except in very special circumstances. Paragraph 154 of the Framework sets out that the construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions, which include buildings for agriculture and forestry. Paragraph 155 explains that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness.
8. The appeal proposal is not for the erection of buildings for agriculture, rather it would comprise a new building with associated works to create a farm shop with café and community use facility, as a form of farm diversification. The site is not previously developed land (PDL), and in any case, while the site is agricultural land, it was not last occupied by agriculture or forestry buildings, and so, is excluded from the definition of PDL. Also, the proposal does not fall within any of the other forms of development that are not inappropriate in the Green Belt.
9. Consequently, as undisputed by the main parties, the proposal would be inappropriate development in the Green Belt having regard to the Framework. The scheme also conflicts with Policy G4 of the Rochdale Core Strategy (October 2016) (RCS), which restricts development in the Green Belt to the types that are not deemed to be inappropriate by national planning policies, unless very special circumstances are demonstrated. I will go on to assess whether those circumstances exist below.

Openness

10. Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
11. The proposal is for a large building, with associated access and parking, on a piece of open and undeveloped farmland used for grazing. The appeal site slopes up on a steep gradient from Hollingworth Road with a low stone wall to the highway frontage and is principally surrounded by open fields to three sides². Other than some mature trees at one corner of the site near the farm access track leading from Hollingworth Road, there is no significant vegetation screening within or on the edge of the appeal site. As a consequence, the site is visually prominent from public vantage points along Hollingworth Road. In view of the site context, the proposed development of the site would reduce the open rural character of the land and so would not preserve the visual and spatial openness of this part of the Green Belt.
12. The design of the proposed building is such that it would be built into the slope of the land and would contain design elements, including a low mono-pitch roof profile, timber cladding and grass covered roof, in order to assist in assimilating the building into the rural landscape. Additionally, to reduce the impact of the development on the surrounding area, new landscaping and a grasscrete surface to the car park area are proposed. However, the building would be two-stories high with an overall height of approximately 6 metres and much of the building would project above the line of the existing topography. As a result, the building would appear overly prominent and reduce the open spacious feel of the site.
13. The housing allocation and consented residential development on the opposite side of Hollingworth Road would create a defined built edge to the Green Belt along one side of the road. In my opinion, this conversely emphasises the importance of the open farmland on the opposite side of the road where the appeal site is, in regard to the purposes of the Green Belt, as set out in paragraph 143 of the Framework. Including that the proposal, in extending built form into the Green Belt and reducing its openness, would not ensure the unrestricted sprawl of large built-up areas, prevent neighbouring towns merging, assist in urban regeneration, by encouraging the recycling of derelict and other urban land, nor would it assist in safeguarding the countryside from encroachment. Furthermore, the appeal site, unlike the land opposite, remains within the Green Belt and its openness creates a valuable edge to the countryside in this instance.
14. Compared to the approved scheme, whilst the appeal site remains the same, the proposed extent of built form within the appeal proposal is much greater. The proposed two-storey building would be 2.4 metres higher than the approved scheme, be some 202 sqm greater in floor area, extend the building further to the rear and to one side, and as a result, encompass more land take and build further into the topography of the land. This increased volume and height of the building, together with the proposed external terrace area at first floor level, would comparably make the building much more visible in the wider landscape.

² Notwithstanding the access track to the farmyard area and farmhouse.

15. While I accept that the approved scheme changes the baseline position in terms of the openness and visual appearance of the appeal site per se, I consider that the proposed scheme would have a much greater and harmful effect on the visual and spatial openness of the Green Belt, due to its increased height and volume.
16. The appellants have drawn my attention to various court judgments³. While substantive details of these cases have not been provided, I appreciate that in terms of harm caused to the openness of the Green Belt, the consideration of openness can involve various factors, relating to a proposal's site context, including the visual sensitivity within the landscape and, appreciation of such development. Therefore, I have considered the proposal having regard to its individual merits, including its proposed location, scale and form, and the site context. Based on such, I have found the proposed development would not preserve the openness of the Green Belt.
17. Consequently, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. I have judged the harm in this respect to be significant, and this would be contrary to the Framework where it states an essential characteristic of Green Belts is their openness. Moreover, the development would not comply with the five main purposes of the Green Belt.

Character and Appearance

18. The appeal site is open grazing farmland, that forms part of a larger triangular piece of grassed farmland and, is surrounded on three sides by open agricultural fields. It has a particular undulating nature rising up from Hollingworth Road, creating an attractive green escarpment, which is prominent from and on approach along the main road in both directions. It furthermore creates a welcomed attractive green edge to the rural area on approach from Littleborough, set behind a low stone wall along Hollingworth Road.
19. Notably the farmland surrounding the appeal site is on the edge of an area of transition between development and more urban built form and the rural area. Continuing further along Hollingworth Road around the corner from where the road bends towards the direction of Littleborough, there is a row of dwellings fronting the road. Consent has been granted and recently commenced for a large housing development on the former Akzo Nobel works site on the opposite side of Hollingworth Road, close to the appeal site. Also, in the recently adopted PfE, further land on the opposite side of Hollingworth Road has been allocated for housing development, including 300 houses and a primary school. Such development close to the appeal site appreciably would affect the existing surrounding and developing character of the wider local area near to the site, yet the appeal site and the immediate land surrounding it retains an open and rural appearance.
20. The Landscape and Visual Assessment (LVA) notes that the appeal site is not typical of the rural character, as described in the perceptual qualities of the Open Moorlands and Enclosed Upland Fringes LCT, due to its proximity to

³ Judgements referenced include Samuel Smith Old Brewery (Tadcaster) vs. North Yorkshire County Council (2018); Euro Garages v Cheshire West and Chester Council (2018); Timms v Gedling BC (2014) EWHC 654 (Admin); Turner v East Dorset Council.

urban development, surrounded by open farmland on three sides and in an area of important transition leading out into the wider countryside beyond the built up urban areas and existing development. The appeal site and rural land surrounding it, is identified as an area of transition in an urban fringe location. Whilst there may be limited wider views of the site, due to the undulating nature of the land, the site and immediate farmland surrounding it, forms an important green edge to the rural landscape, which is not diluted within more immediate views and particularly on approach along Hollingworth Road.

21. The attractive green, open, and undulating character of the appeal site, together with the surrounding encapsulating field, emphasises the important function of the appeal site, in defining the edge of the rural area and its purpose⁴ being within the Green Belt, to check unrestricted sprawl of large built-up areas, preventing urban sprawl and assisting to safeguard the countryside from encroachment. Furthermore, as set out in paragraph 180 of the Framework, planning policies and decisions should contribute to and enhance the natural local environment by, amongst other matters, recognising the intrinsic character and beauty of the countryside.
22. The appeal proposal, due to its visually prominent location and the urbanising built form of the proposed building and associated development, would visually alter, and reduce the open rural character of the appeal site and its surroundings. Despite being built into the hillside and the proposed external materials, the new two-storey building would be visually prominent, particularly due to its height, which would break and rise significantly above the line of existing topography. The height and bulk of the proposed building would jar and appear incongruous on the side of the hillside, appearing 'stuck' onto rather than blending into the undulating hillside.
23. While the proposed development is small scale in the wider context of the Landscape Character Types referenced in the LVA, and the local topography behind the site means the radius of the zone of visual influence is relatively small. The proposed development would be prominently viewed from Hollingworth Road, due to the open views from the road across the low boundary wall. Consequently, notwithstanding the findings of the LVA, in view of the above, I find the proposal would harmfully affect the landscape character and appearance of the appeal site.
24. In contrast, the approved scheme with a reduced overall height of some 2.4 metres is more enclosed by the adjacent topography and set within the hillside, while having a design that results in a smaller, less bulky building, which will be much less prominent and distracting to the eye. The design elements of the proposed scheme, including the use of grass roof to part of the building and proposed landscaping would not effectively screen and enclose the building sufficiently enough so as to overcome such concerns.
25. In view of the above, the proposed development would have a harmful effect on the character and appearance of the surrounding area, contrary to Policies E6, P1, P2, P3 and DM1 of the Rochdale Adopted Core Strategy (October 2016) (RCS), which, amongst other matters require new development to be of high quality design, that protects and enhances the character and/or quality of an area. Also, the proposal would conflict with bullet point 1 of Policy JP-G5 of the

⁴ As defined in section 13 of the Framework.

PfE, which requires any new development to integrate into the landscape by utilising existing tree/woodland cover and dips in the landform.

Other Considerations

26. The proposal would provide a farm shop with cafe and an education facility which would link to the main farming operations of the farm holding, stock, and meat production. It is proposed that at least 40%⁵ of the goods to stock the shop would be from farm produce, and that a significant proportion of the café income will also be based on the farm produce. Thereby, the proposed focus of the diversification aims of the business is demonstrated to be based on the existing farm operations and meat production sales business already in operation. The proposed café element is to be complementary to the farm shop, occupying a smaller floor area than the shop.
27. It is evidenced by the appellants that farm diversification is needed to ensure the ongoing and longer term viability of the farm operation. I appreciate that the farm has experienced a number of years of losses after considerations of costs, reduced income and that rural aid payments have reduced by over 50%. Additionally, it is appreciated that the operational constraints of the farm and scale of customer sales related thereto, have reached a position where further business expansion and diversification is required. This is to enable the sales element of the business to progress further, and so the farm would remain viable and enable the appellants and their family to remain employed within the business. The appellants' evidence shows that the projected income generated by the shop and café in combination with the existing meat sales of the business would likely be circa £200k per annum.
28. There is national and local planning policy support for farm diversification. I appreciate the Harper Adams University and University of Aberystwyth research and DEFRA publications referenced by the appellants⁶. Paragraph 88 of the Framework sets out that in planning terms, in supporting a prosperous rural economy, policies and decisions should enable, amongst other matters, the development and diversification of agricultural and other land-based rural businesses. Additionally, Policy E6 of the RCS supports the strengthening and diversification of the rural economy, where it is in accordance with national Green Belt and protected land policy, subject to meeting other certain criteria.
29. In view of the evidence provided and policy support for such farm diversification, which would ensure the ongoing viability of the farm operations, I give significant weight to the shop and café elements of the proposed scheme.
30. With regard to the proposed community room, this element of the scheme is commendable, as it would allow use by the wider community for meetings and events and also, proposes a facility that would be available for educational purposes. However, while there is local support for such facility and that it would provide an education resource with a focus on farm and food interpretation, that could be secured by an appropriate planning condition, it has not been demonstrated how the community room would significantly

⁵ The proposal is for 40% sales to be from the farm, although the appellants note in their rebuttable statement of case that they would be willing to support a condition that 50% of the sales would be farm produced goods.

⁶ Including, the Harper Adams University in association with the Farm Retail Association research programme (2021/22); research by the University of Aberystwyth (2022); DEFRA report 'Delivering for Rural England- Second Report' (Sep 2022); and Unleashing Rural Opportunity' (DEFRA June 2023).

financially support and consequently, be necessary for the ongoing viability of the farming operation in conjunction with the proposed farm shop and café. Therefore, based on the evidence provided, I give limited weight to this element of the proposal.

31. Furthermore, the proposed community room and associated terrace area would occupy a significant element of the first floor of the building, including approximately 133sqm, plus a terrace area of approximately 42 sqm, not including stairs and toilet areas. This proposed upper storey element creates a large and bulky building that, due to its scale and height, breaks the line of the surrounding topography, which would result in an overall form of development that would be visually obtrusive. I find that such visual harm to openness caused by the two-storey scale and bulk of the proposed building, which encompasses the provision of the community room, further supports my finding that this consideration attracts limited weight.
32. Considerable local support has been demonstrated for the proposal, particularly in respect of the farm shop and café elements. The shop elements would not only support the existing appellant's farm enterprise, but it is also proposed such would support other local businesses through the sale of their goods. These elements of the scheme will positively contribute to the local economy and tourism in the area, complementing other local tourist attractions, such as the nearby Hollingworth Lake. I accordingly provide moderate positive weight to these circumstances.
33. As the proposed farm shop and café are associated with Bank Top Farm, such a facility needs to be, in location terms, near to the main farm operation. Also, as appreciated from the evidence, the topography of the farmland, potential health and safety conflicts between working farm operations and the future customers of the proposed development, and the restricted existing vehicular access to the farm⁷, would make the siting of a farm shop and café close to the existing farm buildings limited and less acceptable in operational and planning terms. Hence, in respect of best operational and business needs, the location per say would be appropriate and so, I provide some moderate weight to this circumstance.
34. The proposal would provide and/or support approximately 9 local jobs, which I give some moderate weight to. The provision of fresh meat produce and other goods to the local population may provide some health and cost benefits to the local population, although I do not have any substantive evidence of such and it is not clear why a shop selling the farm goods from other premises in the local area could not also provide such benefits. Therefore, I give only limited weight to this consideration.
35. That the site is/will be close to a new large residential development, which would be within relative walking and cycling distance to the site, subject to crossing Hollingworth Road and, that there is a bus stop immediately in front of the site along the main road, means there are sustainable accessibility merits of the proposed scheme. This is a positive consideration, particularly as Policy JP-C6 of the PfE supports that new development promotes walking and cycling and, that Policy JP-C8 of the PfE which also supports such, along with public transport use to reduce car dependency. Although, these benefits could also be

⁷ As noted from the appellants' evidence, including the Technical Note entitled, Existing Farm Access Appraisal Note, prepared by Mode Transport Planning, dated 06 February 2024.

achieved by other developments in more accessible locations, located elsewhere outside the Green Belt and so, I only give minor weight to this consideration.

36. The proposed design and materials to be used would have regard to the local, rural site context with improved site landscaping, and sustainable low carbon design and operations are proposed, which are positive elements attributable to the scheme. The Framework sets out that significant weight should be given to development of outstanding or innovative design which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. In view of my findings in respect of character and appearance and openness, I do not consider the proposal would fit in with the overall form and layout of its surroundings, and so, I give limited weight to these considerations.
37. As set out within the appellants' Ecological Survey and Assessment report, the proposal would provide undisputed biodiversity benefits, including a biodiversity net gain of 20%. Policy JP-G1 of the PfE supports opportunities to improve the intactness and condition of the landscape, especially in conjunction with seeking a net enhancement of biodiversity/geodiversity. Also, Policy JP-G8 of the PfE seeks that development provide net enhancement of biodiversity. Additionally, Policy JP-G5 of the PfE supports development that would enhance the full range of upland habitats. Therefore, I give some moderate weight to the biodiversity enhancements proposed.

Other Matters

38. I acknowledge the examples of other developments within the Green Belt advanced by the appellants. The example referred to in respect of an agricultural workers' dwelling on an Alpaca farm in Warrington, set within the Green Belt, is not comparable to the appeal proposal, as it is for a different type of development proposal, in a different part of the country. In respect of examples of farm shops present in the Green Belt in the Northwest, these are also not within the same district as the appeal site and, substantive information has not been provided to allow full comparison of these with the appeal proposal. Also, while I appreciate the appellants' assertion that the fairly recent permission granted for a farm shop in Blackburn⁸, was approved due to the need for diversification and economic growth potential for the respective farm, again this is not within the same district and, I do not have full details of this case to allow a detailed comparison with the appeal proposal.
39. That all farms within the Borough may be within the Green Belt and so, any diversification of such farm businesses would need to consider Green Belt policy considerations, does not in itself justify the proposal, as it is necessary to also consider the effect on openness and other considerations when determining a proposal. Therefore, I have referred to the individual merits of the appeal proposal and evidence provided in reaching my decision.
40. That there are no other landscape, heritage or environmental/habitat designations affecting the appeal site, other than the Green Belt designation, does not overcome the harm I have found in respect of character and appearance. Also, while there are no technical concerns related to flood risk,

⁸ Application ref 10/20/0365, decision dated 19/01/2021 at Brocklehead Farm, Darwen.

highway safety, ecology, and heritage assets in regard to the proposal, these are neutral matters, which do not weigh in favour of the proposal.

Green Belt Balance and Conclusion

41. I have found that the proposal is inappropriate development in the Green Belt. The development would also reduce the openness of the Green Belt, particularly by virtue of the height and scale of the proposed building. The harm to the Green Belt, by reason of inappropriateness and the loss of openness, attracts substantial weight. The development, by reason of its scale, also has an adverse impact on the character and appearance of the area, and this adds to the harm I have identified.
42. I have given careful consideration to the arguments put forward, including the recent permission granted for a smaller, albeit similar form of development on the appeal site. However, the other considerations do not clearly, individually, or cumulatively, outweigh the totality of the harm arising from inappropriateness and the harm caused to the character and appearance of the area. Therefore, the very special circumstances required to justify the development have not been demonstrated.
43. For the reasons set out above, I conclude that the proposal would be contrary to the Framework and the adopted development plan taken as a whole, and there are no other material considerations to indicate a decision otherwise than in accordance with it.
44. Accordingly, the appeal is dismissed.

C Billings

INSPECTOR