

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00408/AGR

CASE OFFICER

Majid Mir

DETERMINATION DATE 23.05.2025 **EXT OF TIME**

Address: Bone Heys Farm Haugh Fold Newhey Milnrow Rochdale OL16 3SZ

Proposal: Prior approval for the formation of 5 (up to 0.5 metre depth with gradually sloping sides) ponds

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

PRIOR APPROVAL NOT REQUIRED

CHECKED AND SIGNED OFF BY:

DATE:

SITE

The application relates to land of Bone Heyes Farm. There are number of structures which appear to form the farmstead. The land undulates with most of the land dropping down from west to east. The ponds proposed would be scattered around

the wider land of the farm. The farmstead is located within Rochdale, however, part of the land of the farm to the south is located within the adjoining planning authority of Oldham.

The site is designated as Green Belt under the adopted Places for Everyone Joint DPD.

PROPOSAL

The application proposes 6 different ponds. The ponds are scattered around the site. Pond one is sited to west of the site and to the west of the Bone Heyes Farm. Pond two is sited to the northeast of the site. Ponds three, four and five are sited to the east of Bone Heyes Farm. Pond sizes are as follows:

Pond 1: 339.8 m²

Pond 2: 258.71 m²

Pond 3: 870.45 m²

Pond 4: 503.84 m²

Pond 5: 334.74 m²

The location plan also includes a sixth pond. However, this pond is not a part of this application and is outside the boundary of Rochdale.

The supporting statement states that the ponds would be used to form a habitat bank. The supporting statement has stated that the 'project of pond is part of the work between Environment Bank and the Landowner of the land at Bone Hays and Cow Heys Farm to create offsite Biodiversity Units (Bus).' The supporting statement adds that the Environment Bank model works on the basis of Environment Bank taking a 33 year Farm Business Tenancy (FBT) of a piece of land and giving the landowner back a sub-FBT for the same period so they can deliver the farming and habitat management.

The creation of a Habitat Bank is outside the remit of this application and only relates to the proposed five ponds.

RELEVANT PLANNING POLICY

National Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Part 6, Class A of Schedule 2 relates to units of more than 5 hectares

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

RELEVANT SITE HISTORY

23/00832/FUL	Erection of a replacement dwelling following demolition of existing dwelling (farmhouse). Decision: Under Consideration.
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23/00780/PRA56 Prior approval for change of use from agricultural building to 2 no. dwellinghouses (Use Class C3) including installation of new windows and doors.
Decision: Refused.

CONSULTATION RESPONSES

Land Contamination: Recommend addition of advisory note.

REPRESENTATIONS

There is no statutory requirement for the publicity of prior approval applications relating to agricultural development undertaken pursuant to Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the application has not been publicised by the Local Planning Authority. No representations have been received.

ANALYSIS

Compliance under Part 6 Class A of the GPDO

Development is permitted under Class A for the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

- (a) works for the erection, extension or alteration of a building; or
- (b) any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit.

In order to benefit from prior notification process under Part 6 Class A, the proposed development must be carried out on agricultural land of not less than 5 hectares and the second test is that the operations must be reasonably necessary for purposes of agriculture.

The Town and Country Plan Act 1990 (as amended) states that agriculture *'includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly'*.

The application is supported with a plan that has identified land of approximately 28.2 ha. This correlates with the application form, however, it slightly differs from the supporting statement which states that the habitant back would be 28.45 ha within a full holding of c. 32 ha. There is however no plan or details of the agricultural holding or any evidence that the site is being used for agricultural purposes other than the details in the supporting statement. Furthermore, it is noted that the location plan has not identified the whole agricultural unit and excluded the farmstead.

However, during the officer's site visit, it was noted that there were multiple horses on the field on the land adjacent to the farmstead. This includes the land identified in the location plan. There were also animals in the barns within the farmstead. Furthermore, it was noted that there was remnants of animal waste of varying age (some old and some fresh) on the land as well in the

farmstead. Based on visual inspection it did appear that the site was being used for agricultural purposes.

In regards to whether it is reasonably necessary for the purpose of agriculture, the supporting statement states:

“The creation of the ponds will minimise these widespread wet areas and associated poaching and damage to the soil from livestock in winter. Whilst the ponds will be fenced off in the first 2 years to allow the vegetation to grow on and stabilise the banks, after this they will be open to the cattle to drink from, reducing wider water consumption, and the grazing further enhancing the bank vegetation and habitat restoration.”

The supporting statement also states ‘the land that will form a habitat bank at Bone Hays and Cow Heys Farm is to remain used and occupied for the purposes of agricultural... The EB model works on the basis of EB taking a 33yr Farm Business Tenancy (‘FBT’) of a piece of land and giving the Landowner back a Sub-FBT for the same period so they can deliver the farming and habitat management i.e. the Landowner retains occupation, management control and land at their disposal. Thus, the land continues to be managed as part of the wider grazing platform under the agricultural legal and tax framework and as part of the wider farm system and business.’

The supporting statement continues to state that the ‘management plan at Bone Hays and Cow Heys Farm is based on a livestock enterprise. The types of activities associated with the current management of farm animals and pasture such as livestock husbandry, stocking density, timing of grazing/resting of land, managing weeds, maintaining fences etc will continue to be performed. The livestock will continue to be sold for meat or breeding, and surplus grazing sold on seasonal basis or taken as seed hay.’

The Planning Policy Guidance in Paragraph: 114 (Reference ID: 13-114-20180615) states that ‘in considering either a prior approval application or a full planning application for the development of on-farm reservoirs, planning authorities should have regard to the increasing need for sustainability, importantly including the careful management of water, the benefits water storage adds in the sustainability of the farming activity and the contribution that it can also make to flood alleviation.’

Although related to reservoir, the guidance can be considered relevant for this application for ponds on the site. Although the wider site may have mixed use as a habitat bank (which does not form a part of this application), it would retain its existing use and proposed ponds would provide an opportunity to manage water on the site and allow for animals grazing on the land to drink water. It is accepted that although the proposed pond would have a biodiversity enhancement purpose, they would also be reasonably necessary for the purpose of agriculture.

A.1 Development is not permitted by Class A if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

The application is supported with a plan that has identified land of approximately 28.2 ha. This correlates with the application form, however, it slightly differs from the supporting statement which states that the

habitant back would be 28.45 ha within a full holding of c. 32 ha. The parcel of land nevertheless is greater than 1ha. There is however no plan of the agricultural holding to confirm the size of the whole farming unit.

- (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;

There is no planning evidence available that suggests an application for the change of use has been made under the above legislation within the a period of 10 years ending with the date on which development under Class A(a) begins. Additionally, the proposal does not consist of the erection or extension of an agricultural building.

- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;

The application does not propose the erection, extension or alteration of a dwelling.

- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;

The supporting statement states the following in regards the need for the ponds:

“The creation of the ponds will minimise these widespread wet areas and associated poaching and damage to the soil from livestock in winter. Whilst the ponds will be fenced off in the first 2 years to allow the vegetation to grow on and stabilise the banks, after this they will be open to the cattle to drink from, reducing wider water consumption, and the grazing further enhancing the bank vegetation and habitat restoration.”

The Planning Policy Guidance in Paragraph: 114 (Reference ID: 13-114-20180615) states that ‘in considering either a prior approval application or a full planning application for the development of on-farm reservoirs, planning authorities should have regard to the increasing need for sustainability, importantly including the careful management of water, the benefits water storage adds in the sustainability of the farming activity and the contribution that it can also make to flood alleviation.’

Although related to reservoir, the guidance can be considered relevant for this application for ponds on the site. It is accepted that although the proposed would be used biodiversity enhancement, they would have an agricultural purpose.

- (e) the ground area which would be covered by—
 - (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres; or
 - (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres,

calculated as described in paragraph D.1(2)(a) of this Part;

The application proposes five ponds in different locations. The combined area covered by the five ponds would be 2308 square metres. However, the excavation of the land to form the ponds would not be used to accommodate livestock or any plant or machinery. Additionally, the application does not propose the erection or extension of a building.

- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

The proposal does not propose the erection or extension of a building. Additionally, the site is not within 3 kilometres of an aerodrome.

- (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

The proposal does propose the erection or extension of a building. The proposal would consist of engineering work. As such there will be no structures with a height exceeding 12 metres.

- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

The development would not be within 25 metres of a metalled part of a trunk road or classified road.

- (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

The proposed works as shown on the proposed site plan would be sited approximately 180m from the curtilage of Jubilee House, approximately 165m from the curtilage of Cherry Tree Cottage and approximately 220m from the curtilage of Stony Hurst. However, the application form states that the proposed works would be used as ponds for a habitat bank. The proposal therefore complies in this regard.

- (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;

The development would not be on or over article 2(4) land and is not connected with fish farming.

- (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—
 - (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or
 - (ii) is or would be within 400 metres of the curtilage of a protected building; or

The proposed works as shown on the proposed site plan would be sited approximately 180m from the curtilage of Jubilee House, approximately 165m from the curtilage Cherry Tree Cottage and approximately 220m from the curtilage of Stony Hurst. However, the application form states that the

proposed works would be used as ponds for a habitat bank. The proposal therefore complies in this regard.

- (l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.

The application does not propose the erection or extension of a building that is within the curtilage of a scheduled monument.

Sitting and Design

Under Part 6 Class A, the developer must apply to the LPA for a determination as to whether the prior approval of the LPA will be required for the siting, design and external appearance of the building.

In assessing the siting, design and external appearance, Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. In addition, paragraphs 131 and 135 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The ponds will not be visible from longer views and due to the undulating land, the only views of the ponds would be from the public rights of way that run through the site. Nevertheless, although the proposed ponds may appear artificial initially, the creation of the ponds in the locations proposed are appropriate and would not be out of character for countryside location. It is considered that the proposed ponds will have limited visual amenity impact on the wider character of the area.

In light of the above it is considered that the proposal would accord with the policies contained within the adopted Core Strategy and the National Planning Policy Framework, and as such, would not require prior approval.

RECOMMENDATION

Prior approval not required.

Notes for Applicant:

INFORMATIVE:

1. Plans and documents
For the avoidance of doubt, this Decision Notice relates to the following plans and documents:
 - Plan 1, Location Plan. Drawing Ref: RCHD2301-PAP-P01
 - Plan 2, Development Plan, Page 1 of 4. Drawing Ref: RCHD2301-PAP-P02
 - Plan 2, Development Plan, Page 2 of 4. Drawing Ref: RCHD2301-PAP-P02
 - Plan 2, Development Plan, Page 3 of 4. Drawing Ref: RCHD2301-PAP-P02
 - Plan 2, Development Plan, Page 4 of 4. Drawing Ref: RCHD2301-PAP-P02

- Information to support Application for Ponds at Bone Hays and Cow Heys Farm, Newhey, Rochdale February 2025
 - RCHD2301 Pond Specifications produced by Environment Bank. Dated: 17/02/25
 - Application form
2. Contaminated Land
- It is possible that the site was previously developed, therefore, work should be carried out in accordance with Health and Safety Guidance Note HSG 66 "Protection of Workers and the General Public During the Development of Contaminated Land" and should operatives discover any adverse ground conditions during earthworks and suspect it to be contaminated they must inform Environmental Health.

Report Author Majid Mir