

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00705/AGR	Majid Mir	20 July 2023

Address: Agricultural Land north east of Cleggswood Farm, Higher Lakewood, Hollingworth Road, Littleborough. OL15 0AZ Land accessed from Rakewood Road, Littleborough.

Proposal: Prior approval for the erection of an agricultural barn

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/A
	Neighbour comments received?	N/A

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	
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CHECKED AND SIGNED OFF BY: RG

DATE: 27 July 2023

SITE

The site is accessed via an unadopted road which is located behind metal gates by the junction with Rakewood Road. The site is located approximately 268m along the road from the junction. The site of the proposed agricultural barn is set approximately 115m north west of the road and the edge of the larger site.

The site is predominantly surrounded by agricultural land. Hollingworth Country Park adjoins the site to the south east. To south west, there is a small settlement at Higher Cleggswood Farm consisting of five residential properties.

The application site is designated as Green Belt under saved policy G/D/2 of the Rochdale Unitary Development Plan. Site of the proposed agricultural barn is located within Coal Mining Development High Risk Area.

PROPOSAL

The application seeks prior approval for the erection of an agricultural barn.

The application form states that 'the land is permanently used for grazing and cultivation / baling of cut hay twice yearly to create animal fodders. The proposal will provide secure storage for the extensive agricultural machinery required and necessary dry, under-cover storage for the yield of hay bales produced.'

The proposed agricultural barn will be 18.2m in length and 12.3m in width. The proposed agricultural barn will be 3.9m to the eaves and 5m to the ridge.

The proposed agricultural barn will be constructed using pre-stressed concrete panels at the bottom and Vertical Yorkshire Board treated wood cladding above. Concrete panels will be a natural grey colour and the timber cladding will be finished with a natural timber stain. The roof of the proposed barn will be constructed using fibre cement low condensation corrugated roof sheets which will be grey in colour. The two large sliding doors will consist of matt olive brown sliding steel gates. The smaller access door will also be the same colour and constructed out of steel. The rainwater goods will also be the same matt olive brown colour.

RELEVANT PLANNING POLICY

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

Part 6, Class A of Schedule 2 relates to units of 5ha or more, and Class B relates to units of less than 5ha.

RELEVANT SITE HISTORY

89/D23062	Timber Ski Hut Incorporating Café Decision: Refuse by default
06/D47185	Change Of Use, Conversion And Extension To Barn And Existing Dwelling To Form Four Dwellings, The Repair And Refurbishment Of Detached Garage, The Demolition Of Outbuildings And The Erection Of Stable Block. Decision: Grant subject to conditions.

19/00378/HOUS terrace.	Proposed rear extension and modifications to form roof Decision: Refuse
23/00569/AGR	Application for prior notification for the erection of an agricultural barn. Decision: Withdrawn.

CONSULTATION RESPONSES

Not applicable.

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. However, three objections received by two members of the public have been received. The objections have been summarised below.

Notification and consultation

☐ The nearest residents affected by this application we have not been consulted.

☐ We are very disappointed that the applicant did not come to us to discuss his proposals and give us the opportunity to make some constructive comments.

Officer comments: There is no statutory requirement for the neighbouring properties to be consulted at this stage of the application.

☐ There are were some inaccuracies on the previous application which I cannot comment upon now as the documents have not been uploaded. There should be a delay to allow us to assess the submission in more detail.

Officer comments: Link to the plans was provided and a response received. Due to the nature of prior approval applications, a decision must be made within 28 days.

☐ If this does get approved it will be imperative that the plans and work are inspected regularly to make sure the development is compliant to both plans and standard agreed.

☐ If approval is granted wish to check that the constructed scheme fully reflects that approved.

Officer comments: Depending on the decision of the application, the proposal will be required by the legislation to be in accordance with the approved details or submitted details.

Highways and access concerns

☐ impact of the shared drive way, the traffic and the health and safety

☐ Look at the original driveway planning application to see if there was any criteria made for the access /driveway into Higher Lakewood and agricultural land north east of Cleggswood Farm.

- ☐ Was there highway stipulations or covenants, local byelaws or regulations specifying how much traffic is acceptable for the single lane private track when Higher Lakewood was built?
- ☐ The access and passing points will not be adequate for heavy farm machinery constantly using what is predominantly a single track residential drive way.
- ☐ Critical to be stipulated that the width of the farm machinery being taken along the right access via the entrance of Higher Lakewood to avoid crossing verges onto other landowners propriety beyond a reasonable 'swing space' and causing further damage. Refer to the case Oliver v Symons (2012).
- ☐ The drive and boundaries have been substantially damaged by farm equipment. Approval of this proposal will dramatically increase the traffic up to the lane. Damage is currently financially being absorbed by residents.
- ☐ proposer uses the current driveway and passing bays to park his and his families vehicles for leisure purposes unrelated to his farming interests.
- ☐ Since Higher Lakewood was established in 2010 the land owner of north east Cleggswood Farm has made no financial contribution towards the maintenance and upkeep or repair to the access / drive or the damage and wear and tear to the electric gate which now needs replacing.
- ☐ Concern about young children and use of the drive by wide vehicles, increased traffic and heavy machinery, especially when the drive is used by pedestrians- owners and visitors to Higher Lakewood. There is little room to move out of the way without having to trespass on another residents land.
- ☐ Request that the planning approval outlines a right of way for vehicular access for the proposers machinery which is strictly limited to the width of the existing track. And to consider this drive is also regularly used by pedestrians- there is no pavement.
- ☐ concerned about the number of vehicle movements both during construction and afterwards

Officer comments: This application has been made under Schedule 2 Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and as such, the assessment will be made in accordance with this legislation. Under Schedule 2 Part 6 Class A, the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the Local Planning Authority will be required for the siting, design and external appearance of the building. The case Oliver v Symons (2012) relates to the right of way and is not applicable in regards to this application. Rights of way and access is a legal matter than can't be considered within the assessment of this application.

Future use of proposed building

- ☐ Proposer has an existing farm in Milnrow where he has significant land and dwellings for storage.
- ☐ I hope this application is not linked to his withdrawn farmers dwelling application and merely playing the longer game through this application- in hope beating the system and acquiring residential approval for this proposed barn in the future. In the meantime it will only significantly increase the traffic between sites.

- ☐ the applicant will use this building as a base for all his vehicles and not just for those associated with the land adjacent to it.
- ☐ The applicant will use this building as a stepping stone to applying for livestock use and ultimately for a residential dwelling for a stockman. This was outlined in a previous application that was ultimately withdrawn.

Officer comments: This application has been made under Schedule 2 Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The legislation restricts the use of the proposed building. Depending on the outcome of the assessment below, if the applicant wishes to apply for any other use or for another development, it will be assessed on the relevant guidance and legislation.

Restriction on development

- ☐ Based on the last planning application we were under the impression that with the new RSPCA centre and development being would not be permitted planning in the proposed site.

Officer comments: Any previous planning application does not negate other planning permissions being granted. This application has been made under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and as such, the assessment will be made in accordance with this legislation.

Design and siting

- ☐ why does the barn need to be position where it is? Currently with lake side views- why cannot it be placed in a more discreet position on the proposers acreage away from higher Lakewood and the new RSPCA centre development?
- ☐ the proposals appear reasonable in terms of size and appearance we are concerned that the finished product might not be of a suitable quality and finish to be aesthetically acceptable
- ☐ take into consideration our concerns and hopefully apply some conditions relating to those concerns. We hope that those conditions would include a time limit on the construction of this building and the quality of its construction
- ☐ The proposal is to store agricultural equipment that is not currently being stored or rarely used on the proposed land.

Officer comments: Discussed in the report below.

Amenity and nuisance

- ☐ We are concerned about the times of access and its impact upon the peace and tranquillity of the area. We understand that we are within a rural area and that farming is an integral part of the area, however Rochdale Council saw fit to approve our residential development and therefore must take some responsibility to protect it.

Officer comments: This application has been made under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and as such, the assessment will be made in accordance with this legislation. The legislation stipulates what can be

assessed when determining this application. Amenity is not a consideration.

ANALYSIS

The application is for prior notification for the erection of an agricultural building under Schedule 2 Part 6 Class A (Agricultural Development on Units of 5 Hectares or more) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 comprising an agricultural unit of 5 hectares or more in area, and must be reasonably necessary for purposes of agriculture.

The application is supported by a supporting statement, proposed elevations, floor plans, site plans and a location plan. The supporting statement provides details of the agricultural smallholding number and the SBI number. The supporting statement states that the smallholding consists of a total of approximately 73.25 ha. This is set over 2 land areas of 41 land parcels and 31 agricultural land parcels totalling 51.05 ha surrounding Ashfold Farm, Tunishill Lane, Milnrow and 10 further land parcels amounting to 22.20 ha of registered grazing pasture off Rakewood Road.

In regards to the agricultural business, the supporting statement business has had a longstanding livestock breeding company which has constant livestock herds consisting of:

- ☐ 50 head herd of breeder / suckler cows plus 40-50 seasonal calves
- ☐ 30 breeding lambing ewes and up to 30 seasonal lambs
- ☐ 20 breeding goats and seasonal offspring accordingly.

It is noted during the site visit that there was herd of cows on the site as well as a number of goats.

The supporting statement states that the parcels of land surrounding Ashfold Farm are not suitable for much beneficial grazing and stock control. However, the land by the applicant site by Rakewood Road of 22.20 ha has a good controllable grazing topography and is the designated unit for the grazing of the livestock. The supporting report adds that the parcels of land at Rakewood Road and some of the land at Ashfold Farm are used for mowing and baling grass cultivation for the feeding of the livestock within the farming unit.

In regards to the use of the site and proposed building, the supporting report states that the land at Rakewood is serviced from Ashfold Farm in all weathers. The

maintenance of the 22 ha of land and livestock on the site is undertaken from the applicant's farm located on Tunishill Lane. The wrapped baled hay crop feed and the agricultural machinery are externally stored at the farm. The proposed building will be used for the following:

- ☐ Storage of baled hay crop feed and the seasonal supplement bulk feeds and fodders
- ☐ Dry storage of land management fertilisers and unit enclosure ancillaries etc.
- ☐ Secure storage and dry area for maintenance of the agricultural machinery required to farm the land. 12 pieces of farm machinery have been identified in the report.

The supporting report notes that at present, the necessary machinery and food for animals comes from Ashfold Farm. This all travels along the public highway and the shared lane. The storage of the machinery, equipment, bails, etc on the site would limit the amount of travel on the shared lane.

In respect of the above it is considered that the application has demonstrated that the proposal, that being the agricultural building and access track, is reasonably necessary for the purposes of agriculture.

To benefit from permitted development under Schedule 2, Part 6, Class A, there should also be an assurance that the development complies with the requirements of paragraph A.1. Development is not permitted 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 size;

There are multiple parcels of land. Based upon the available plans, the parcel of land the proposed development will be carried out on is approximately 2.6ha in size.

- 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;

No part of the immediate curtilage has been subject to any such documented change of use under the above legislation over a period of 10 years ending with the date on which development under Class A(a) begins.

- 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 designated for agricultural purposes.

The proposed building would be used for agricultural purposes.

- 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; or

- ii. any building erected or extended or altered by virtue of class A, would exceed square 1000 metres, calculated as described in paragraph D.1(2)(a) of Part 6.

There is fencing for a paddock area on the site of the ground area of the proposed development. There are no other works or structures to accommodate livestock, plan or machinery arising from engineering operations.

The proposed ground area covered by the development would be 224 square metres and no further authorised development has been undertaken at the site as described in paragraph D.1(2)(a) within the last 2 years. The area of the building therefore falls below the maximum permitted 1000 square metres.

- 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 building would not be 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 building would not be within 3 kilometres of an aerodrome. Nonetheless, the height of the building would not exceed 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 road.

- i. it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, or 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 submitted information outlines that the extension is required for storage of machinery, animal feed and fodder and land management fertilisers. The building will also be used for maintenance of the farm machinery. The proposal therefore complies in this regard.

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

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

The application form states that the proposed building will be used to store agricultural machinery, animal feed and fodder and fertiliser. The plans indicate that there will be an area for 'implement and agricultural machinery',

‘tractor units’, ‘all terrain vehicles and trailers’ and ‘fodder storage’. As such, based upon the available information, the development does not include provision for storing fuel for or waste from a biomass boiler or an anaerobic digestion system.

Siting and Design

Conditions in section A.2 of this class state that development under Class A is permitted subject to the determination of the Local Planning Authority as to whether Prior Approval is required as to the siting, design and external appearance of the property.

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 126 and 130 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 proposed siting of the agricultural building would be to the north east of a small cluster of residential properties. The proposed building would be located approximately 110m from the curtilage of the nearest residential property. The agricultural land wraps around the north of the small cluster of residential properties. The proposed building would be located on the south east of the 22ha agricultural land. The site is accessed via a shared and gated lane. The lane is accessed from Rakewood Road to the south. Therefore there is no public access to the site and is not visible from public vantage points to the south or west. Furthermore, the land around the site is undulating and to access the site from Rakewood Road, you are required to travel upwards. As the cluster of residential properties are located on higher ground, when viewed from the south, the proposed dwelling would not appear prominent or overly intrusive. Additionally, the reduced level would minimise the impact of the proposed building on the cluster of residential properties.

To the east of the proposed building, there is a public right of way which is located 125m away. However, there are a large group of trees that run along the boundary on the land of Hollingworth Lake. Furthermore, the land slopes down from the shared boundary between the applicant site and Hollingworth Lake. Therefore the development is not visible from the public right of way directly to the east. When viewed further from the east or north, the building can be viewed in the context of the existing built development or the wider landscape. It is considered that this is an appropriate setting for an agricultural building of the scale and design proposed.

The elevations of the proposed building would be constructed using pre-stressed concrete wall panels, natural colour vertically clad timber cladding (Yorkshire boarding) and matt olive brown powder coated aluminium barge boards. The roof will be constructed using corrugated cement sheets. The two large sliding doors will consist of matt olive brown sliding steel gates. The smaller person access door will

also be the same colour and constructed out of steel. The rainwater goods will also be the same matt olive brown colour. The existing track will be used to access the building from the lane. The design of the proposed building is of a standard design that is commonly used for agricultural buildings throughout the borough and the country. Additionally, the materials proposed are commonly used in the construction of agricultural buildings through the borough and the country. As such, the building would be clearly visible as an agricultural building. Considering the location of the proposed building, it is considered to be acceptable in this location.

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:

For the avoidance of doubt, this decision relates to the following list of plans:

Location plans. Drawing no: 1786/1

Proposed details. Drawing no: 1786/2