

Appeal Decision

Site visit made on 7 February 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 February 2017

Appeal Ref: APP/B2355/W/16/3163624

Priestly Fold Farm, Dean Lane, Water, Rossendale BB4 9RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Ritson against the decision of Rossendale Borough Council.
 - The application Ref 2016/0110, dated 15 March 2016, was refused by notice dated 8 June 2016.
 - The development proposed is an agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural livestock and storage building at Priestly Fold Farm, Dean Lane, Water, Rossendale BB4 9RX in accordance with the terms of the application, Ref 2016/0110, dated 15 March 2016, subject to the conditions in the attached schedule.

Procedural Matter

2. The original planning application form describes the development as an agricultural building and I have used this in the banner heading above. Question E of the Appeal Form states that this has not changed but a different wording is inserted as follows 'Agricultural livestock and storage building'. As this better reflects the development proposed I have used this description in my decision.

Main Issues

3. The main issues in this case are :
 - whether the proposal forms an appropriate development having regard to national and local plan policies restricting development in the countryside;
 - the effect of the development on the living conditions of the occupiers of neighbouring properties with particular regard to noise and dust;
 - the effect of the proposal on highway and pedestrian safety.
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Reasons

Development in the countryside

4. Priestly Fold Farm lies in the countryside and comprises a farmhouse, currently being refurbished and a number of outbuildings. The site is accessed from an unadopted private lane leading from Dean Lane, Water.
5. It is proposed to erect a new agricultural livestock and storage building of around 800 square metres in floor area. The appellant intends to house rare breed stock including cows, sheep and pigs and also to provide indoor secure storage for agricultural equipment associated with his son's agricultural contracting business together with feed and bedding storage. I note that the land holding of the appellant is small, around 20 acres at the time of the original planning application, 16 acres owned and 4 acres rented. I have been made aware that since then the appellant has secured an option to rent an additional 50 acres with an option to purchase in the future.
6. The site is located within the countryside. Paragraphs 17 and 28 of the National Planning Policy Framework (the Framework) aim to support economic growth in rural areas and promote a strong rural economy whilst also recognising the intrinsic character and beauty of the countryside. Policy 1 of the Rossendale Core Strategy 2011 concentrates development within the defined urban boundary unless it has to be located in the countryside. Policy 19 of the document permits development that supports the rural economy and its communities.
7. The erection of an agricultural building in the countryside would comply with the above policies. However whilst it is accepted that there are no other modern fit for purpose buildings on the farm, the Council has raised concern that the building proposed is too large for the appellant's land holding. This is due to the agricultural contracting operation.
8. I note the letter from the National Farmers Union (NFU) that concludes that the scale of the proposed building is in keeping with the nature of the business. I recognise that it is intended to grow and develop the rare breeds enterprise and that the appellant has secured further land through a rent agreement. In addition the appellant hopes to provide an educational opportunity to the local community.
9. In the absence of any evidence to the contrary demonstrating that the building would be too large for the business, and having regard to the support from the NFU, I conclude that the proposed development would be appropriate to support an agricultural enterprise in the countryside. I therefore find no conflict with Policies AVP3, 1, 18, 21 and 24 of the Rossendale Core Strategy 2011 which aim to restrict development in the countryside to that required to support the rural economy. The proposal would also comply with paragraphs 17 and 28 of the Framework which seek to protect the character of the countryside and support economic growth in rural areas.

Living conditions

10. The Council has raised concern with regard the impact of vehicles associated with the agricultural contracting business causing noise, dust and disturbance

to residents living close to Dean Lane/Water Fold junction. I have been provided with little evidence to show the number of vehicles involved in the business or the likely times and frequency of vehicle movements. I am however advised that only the appellant's son is employed in the business though additional contract labour is brought in during busy periods in May to August to assist with hay/silage. This is however at other farm locations so that visits to Priestly Fold Farm would be limited. It therefore appears to me that the number of vehicles would be limited to that which could reasonably be stored in the proposed building and adjoining hardstanding and the number of employees.

11. I have taken account of the fact that the appeal site is and has been a working farm so that some agricultural vehicle traffic would have been associated with the site and would have used the neighbouring lanes with the inevitable noise and dust that such vehicles would have generated. In addition there is another farm to the east of the appeal site that uses this lane for access.
12. I accept that the agricultural contracting business would result in additional vehicles using the access to the site and travelling past neighbouring dwellings. However having regard to the size and nature of the operation, I consider that there would not be a materially harmful effect on the living conditions of neighbouring residents. The development would therefore comply with Policies 1, 21 and 24 of the Rossendale Core Strategy 2011 which amongst other things aim to enhance the quality and sustainability of places and protect residential amenity.

Highway safety

13. The appeal site is accessed from Dean Lane via an unadopted road which includes a bridge over a watercourse. I observed on my site visit the condition of the road and bridge. I am informed that they are privately maintained by those who use it, though there is no formal maintenance agreement in place. Clearly increased use of the road and bridge would have implications for its condition and the need for future maintenance.
14. I have been made aware that some damage has occurred to the bridge during the refurbishment of the farmhouse but that the appellant has funded the necessary repairs. I have no evidence before me that should such a situation arise again that the appellant would not fund the remedial works required. It is clearly in the appellant's interest to ensure that the access is maintained in a usable condition in order to maintain access to the farm.
15. The Highway Authority raises no concern with regard to the width of the access or the ability to take the likely traffic to be generated. Their main concerns relate to maintenance of the road and bridge. The road is a private unadopted access and therefore any issues with regard access and maintenance form a private matter for the parties concerned.
16. The appellant has made me aware that he is investigating the possibility of an alternative access to the site. This is likely to require planning permission. Whilst this is to be supported I must consider the acceptability of the current access.
17. There are a number of public footpaths in the area of the Farm including the track up to the farmhouse. Access to these routes is along the unadopted road

so that there is the potential for conflict between pedestrians, traffic during construction and agricultural vehicles associated with the farm enterprise. I consider that any potential conflict could be mitigated by traffic management measures secured through an appropriate planning condition.

18. In light of the evidence before me I have no reason to conclude that the access to the appeal site would be unacceptable in terms of highway and pedestrian safety. Issues regarding maintenance are a matter for those with rights of access to the route. I therefore find no conflict with Policies AVP3, 1, 17, 21 and 24 of the Rossendale Core Strategy 2011 which along with other matters aim to safeguard highway and pedestrian safety and promote and improve access to the countryside.

Conditions

19. I have had regard to the conditions suggested by the Council in light of the Framework and Planning Practice Guidance. In addition to the standard timeframe condition, a condition requiring the development to be carried out in accordance with the submitted plans is necessary for the avoidance of doubt and in the interests of the proper planning of the area. In order to control the scale of the agricultural contracting business and to protect the character and appearance of the countryside a condition restricting the areas in which the storage of agricultural equipment and vehicles can take place is also necessary. I consider that a landscaping condition is also required to protect the character and appearance of the area. Finally the submission of a scheme providing measures to minimise potential conflict between site traffic and users of nearby public footpaths is necessary in the interests of pedestrian safety.

Conclusion

20. For the reasons given above and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Scale 1:2500, Drawing No. Priestly Fold 22-02-16-A - Site Plan and Floor Level, Drawing No. Priestly Fold 22-02-16-B - Elevations and Internal Layout.
- 3) Vehicles/plant/equipment associated with the agricultural contracting business shall not occupy any part of the building hereby permitted except for those areas coloured yellow on the approved drawings and no external area other than the 13 metre wide area of hardstanding immediately fronting the building.
- 4) Prior to the first use of the building hereby permitted, a scheme shall be submitted to and approved in writing by the local planning authority which sets out the measures to be taken to minimise the likelihood of conflict between site traffic and users of the public footpaths in the vicinity, together with a timetable for their implementation. The approved scheme shall be implemented /adhered to in accordance with the approved timetable.
- 5) Prior to the first use of the building hereby permitted a scheme shall be submitted to and approved in writing by the local planning authority which provides details of landscaping and boundary treatment in the vicinity of the building hereby permitted, together with a timetable for implementation. The approved scheme shall be implemented/adhered to in accordance with the approved timetable. Any trees/shrubs that are removed, die or become seriously damaged or diseased within 5 years of planting shall be replaced by others of the same siting/size /species in the next available planting season unless a variation had first been agreed in writing by the local planning authority.