
Appeal Decision

Site visit made on 26 June 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 7th July 2017

Appeal Ref: APP/T4210/W/17/3172551

Twine Valley Farm, Church Road, Shuttleworth BL0 0EH

- 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 James Brown (SR and JR Brown Ltd) against the decision of Bury Metropolitan Borough Council.
 - The application Ref 60962, dated 15 December 2016, was refused by notice dated 1 March 2017.
 - The development proposed is an agricultural building for silage.
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural building for silage at Twine Valley Farm, Church Road, Shuttleworth BL0 0EH in accordance with the terms of the application, Ref 60962, dated 15 December 2016, subject to the following conditions set out in Annex A.

Background and Main Issues

2. The appeal site is located in the Green Belt, so I take as my starting point the relevant policy context set out in the development plan and the *National Planning Policy Framework* (the Framework). Having regard to paragraph 89 of the Framework, and to Policy OL1/2 of the *Bury Unitary Development Plan (adopted August 1997)* (BUDP), as an agricultural building, it is agreed by both main parties that the proposal would not be inappropriate development in the Green Belt, and I agree.
3. In the light of this conclusion, and having regard to the Court of Appeal judgement¹, as the effect of development on openness and the purposes of including land within the Green Belt are not expressly stated as determinative factors in gauging inappropriateness for proposals that fall under the first bullet point of paragraph 89 of the Framework, there is no requirement for me to separately assess the impact of the development on the openness of the Green Belt, or the purposes of including land within it.
4. Accordingly, the main issues in the appeal are the effect of the proposed development on:
 - the character and appearance of the surrounding Special Landscape Area;
 - the living conditions of nearby residents with particular regard to odour;

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

- ground water contamination; and
- highway safety.

Reasons

Character and Appearance

5. The appeal site is located in a field on a steeply sloping hillside. A modern agricultural building lies to the west of the site, and to the south, at a lower level, are a number of other agricultural buildings. The wider area, which is designated a Special Landscape Area, consists of steep hills scattered with farmsteads with some small areas of housing.
6. The proposed building would be a large structure, constructed from concrete block work and Yorkshire boarding, and a corrugated sheet roof. The only opening would be on the eastern elevation, facing the other barn at this level, and so blank elevations would be presented to both the road to the south, and the footpath to the north. In addition an area of hardstanding would be created between the proposed and the existing barn as well as an access track down to the lower level barns.
7. The scale, mass and bulk of the proposed building, together with its elevated position on the hillside mean it would be a significant feature in the local landscape. However, despite its siting, I observed that in most views from the surrounding roads and footpaths it would be seen in the context of at least one, if not all, the other large agricultural buildings that form part of the farmstead. As a result it would not be seen as an isolated stand-alone building, nor would it appear as an incongruous feature in the landscape.
8. Moreover, the majority of houses in the immediate vicinity do not directly face the site, and from many of those that do, such as along Church Road, the topography and intervening vegetation would largely screen the building from view. It would be visible from the limited number of houses that face onto Bamford Road, but from these it would be seen in the context of all the other farm buildings.
9. Although the proposed and the existing buildings cannot be described as attractive, they are typical of a farmstead, and what one might expect to find in open countryside and / or in the Green Belt. As such, the proposal would not detract from the rural character of the area.
10. Therefore, I am satisfied that the proposal would not have an unacceptable detrimental impact on the character and appearance of the surrounding Special Landscape Area. As a result there would be no conflict with Policies EN1/1, EN9/1 or OL4/5 of the BUDP which seek to ensure that developments have a high standard of design, do not have a detrimental impact on visual amenity and relate well to existing buildings.

Living Conditions

11. The proposed building, which would be a limited distance to the nearby houses, particularly those on Church Road and Millhouse Street, would be used to store silage. I understand that when produced the silage is wrapped in air-tight plastic bales until it is used. Whilst no odour assessment has been submitted with the application, I observed during my site visit that a significant number of

bales of silage were being stored on open land adjacent to Turn Road, and there was no particular odour created in the immediate vicinity of these bales. Nor have I been made aware of any complaints regarding odour from these bales from the residents of the nearby houses on Bury Old Road.

12. The proposed building is largely enclosed, with the main opening being on the elevation furthest from the houses, which would help to reduce the dispersion of any odour. In addition, I am conscious that the open storage of bales could take place on the site, or on the land around the lower agricultural buildings, without the need for planning permission.
13. Given this, I am not persuaded that the proposed development would have an adverse impact on the living conditions of nearby residents with particular regard to odour. Therefore it would not be contrary to Policy EN7/1 of the BUDP which seeks to control development that would have an unacceptable impact on the levels of atmospheric pollution.

Groundwater Contamination

14. The application was not accompanied by any information regarding how the development would address potential ground water contamination. Whilst in this respect this would mean that the proposal would not accord with Policies EN7/4 and EN7/5 of the BUDP, I consider that a suitably worded condition would be sufficient to deal with these concerns. My approach in this regard is supported by the findings of the Inspector dealing with a different appeal on the site², and also the Councils approach in determining an application for the alteration and extension of one of the existing buildings on the site in 2012³. Consequently, I consider that this matter does not constitute a reason for refusing the appeal scheme.

Highway Safety

15. The appellant has indicated that the building would be used for the storage of silage produced on the farm, and used to feed the cows which are over-wintered in barns on the holding. The proposed new access between the proposed barn and the cattle sheds would ensure that the majority of traffic movements associated with the proposed building would be contained within the farm holding, and would have no impact on the surrounding road network. Moreover, as at present the silage produced on this holding is taken to the appellant's other farm holding to be stored, and brought back when required, the proposal may even reduce traffic movements on the highway network.
16. Therefore, I am not persuaded that the proposal would result in a significant increase in traffic movements on the highway network. As such, I do not consider it would be detrimental to highway safety. Accordingly there would be no conflict with Policies HT2/4 or EN1/2 of the BUDP which require developments to make adequate servicing and parking provision.

Other matters

17. I note the comments regarding whether the building given permission in 2012 was fully completed, whether the barn located adjacent to the appeal site has been built according to the plans, whether the access to this barn from Turn

² Appeal Reference APP/T4210/W/16/3151468

³ Application Reference 54594

Road is lawful, and that the appellant is converting other barns to dwellings without planning permission. However, none of these are matters that are before me at this appeal.

18. A number of third parties have questioned the need for the building, and in particular a building of this size. However, the requirement in The Town and Country Planning (General Permitted Development) Order 2015 (Part 6, Classes A and B - 'Agricultural and Forestry') that buildings and other works must be "*reasonably necessary for the purposes of agriculture within that unit*" relates solely to the consideration of whether a proposal would be permitted development. Thus the need for the building is also not a matter before me in this appeal.
19. It has been suggested that the proposal would result in a loss of light, privacy and outlook to nearby houses. However, given the distance that would be maintained to these houses, whilst the view from some windows may change, the proposal would not have an unacceptable impact on the outlook, light or privacy of the occupiers of nearby houses. In addition, any noise disturbance from vehicles reversing would be short-lived.

Conclusion and Conditions

20. For the reasons set out above, I conclude the appeal should be allowed.
21. The Council has not suggested any conditions. However, to provide certainty the standard implementation condition is required, as is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area conditions are required to control the external appearance of the building, and the landscaping of the site. To ensure the satisfactory drainage of the site it is necessary to control details of the disposal of foul and surface water.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Plan of Land Holding at Twine Valley Farm; Existing Site Plan Drawing No xxx; Proposed Site Plan Drawing No xxx; and Building Details and Section Drawing No xxx.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until a landscaping scheme, including an implementation programme, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include: boundary treatments; planting plans; written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment); and schedules of plants noting species, planting sizes and proposed numbers/densities.

The landscaping works shall be carried out in accordance with the approved details, and with the agreed implementation programme. The completed soft landscaping scheme shall be maintained for a period of 5 years from the date of planting. During this period any trees or shrubs which die, or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

- 5) No development shall commence unless or until, details of the foul and surface water drainage and any storage tank for slurry, if appropriate, has been submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented in full prior to the building hereby approved being first brought into use, and thereafter made available for use.