

Full Planning Application  
Erection of agricultural storage building  
LAND REAR 312 RED LEES ROAD BURNLEY

**Background:**

The proposal relates to agricultural land.

An objection has been received.

**Relevant Policies:**

National Planning Policy Framework (NPPF)

Burnley's Local Plan (BLP)

SP4: Development Strategy

SP5: Development Quality and Sustainability

CC5: Surface Water Management and Sustainable Drainage Systems.

**Site History:** No relevant planning history.

**Consultation Responses:**

Highway Authority – No objections.

Cliviger Parish Council – Objection: over development, the building is not an agricultural building and therefore not a permissible development. The site details are also misleading as the building is not at the rear of 312.

United Utilities – Comments about arrangements in relation to a public sewer that crosses the site and for the provision (if necessary) of a water supply. Indicate the need for separate surface water drainage in a sustainable manner. [Comment – A condition is recommended as regards drainage; informative notes should be given on the other matters].

ADAS Consultants (Agricultural Advice) – Detailed report, summarised as follows:

- Planning policies and decisions should ensure that development is appropriate and fit for purpose. It is of a suitable size for plant/machinery. Its design (lack of ventilation) is wholly unsuitable for the storage of hay (when damp it becomes a greater fire risk).
- It bears little resemblance to an agricultural building; it appears to be an oversized domestic garage – rather than an agricultural building.
- Our agricultural need assessment comes to the conclusion that the application fails to identify sufficient activity that would generate a viable agricultural income and is likened to be more akin with a hobby farm.
- Therefore, it is in our professional opinion that the development *may* not in this instance be economically sustainable due to the proposed building being intended to support the current activity which we cannot deem to be viable.

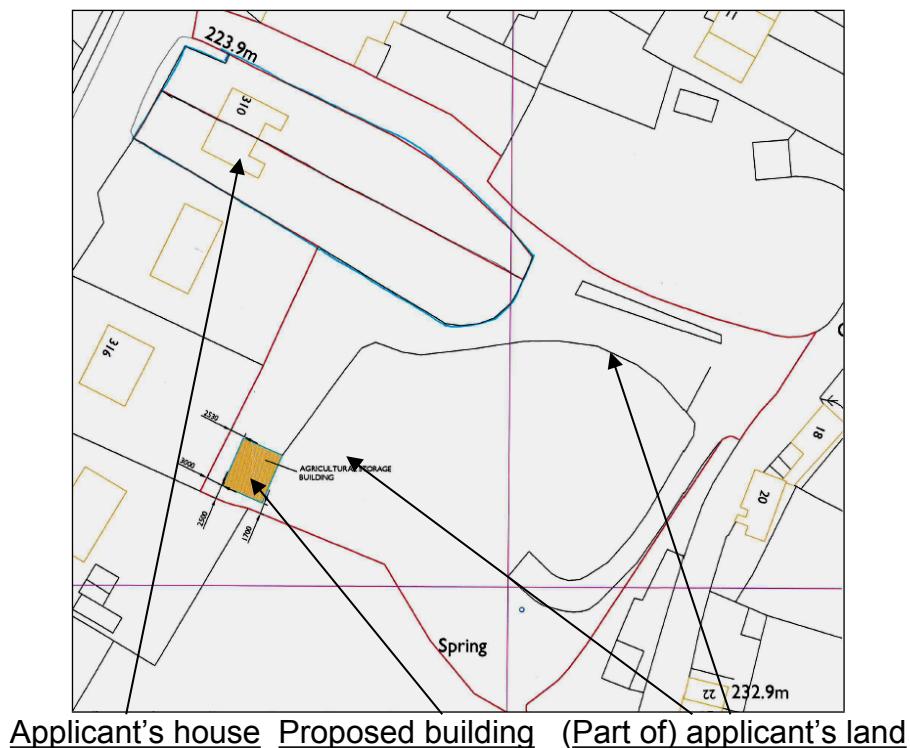
Gary Hoerty Associates (Agricultural Consultant representing the applicant) –  
Comments summarised as follows:

- The building will be used for the storage of agricultural plant and equipment used in connection with the management of 19.5 acres of agricultural land in the immediate locality if the proposed building.
- It is logically sited close to the applicants dwelling for security reasons.
- The NPPF does not require that an agricultural need is demonstrated.

[Comment – The matter of agricultural need is considered in the main report].

### **Planning and Environmental Considerations:**

The application relates to agricultural land adjacent to the hamlet of Mereclough where the applicant's dwelling is located. The land, proposed building, and the applicant's house are indicated on the following plan copied from an application drawing.

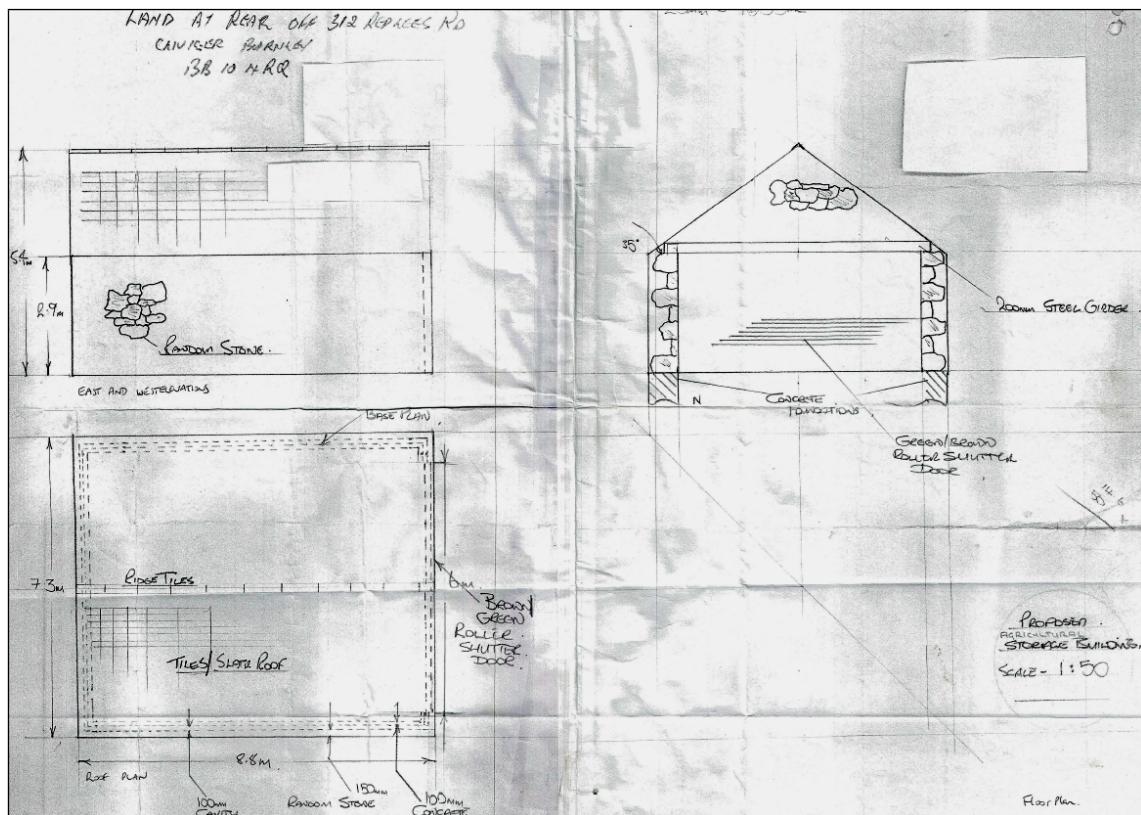


The applicant has around 8 hectares of agricultural land, one part of which is to the rear of the group of houses where the applicant lives; the other part is across Red Lees Road, nearby.

The applicant farms the land in a small way, and also carries out tree and hedge work (and other small agricultural contracts) in rural and urban areas around the urban fringe, but al including grazing of sheep (winter); taking of hay (summer).

The application states that the building is required to securely store farm plant and machinery including tractor, mower, frail mower, log grab, shredder, rotovator and other equipment, together with hay for winter feed.

Work on the building had commenced prior to submission of the application, although the work then ceased. The building would comprise natural stone walls on a concrete slab, and under a pitched, slated roof. The submitted drawing is copied as follows.



Copy of application drawing

The building would be 8.8m long X 7.3m wide, with a ridge height of 5.4m. No openings are proposed other than a roller-shutter vehicle access door.

#### *Policies and Assessment*

The Local Plan is silent about agricultural buildings (as such). However, **Policy SP4** identifies the Development Boundary and defines land beyond any Development Boundary as open countryside., saying: *Development within the open countryside will be strictly controlled and will only be permitted where it has a genuine need to be located in the countryside and is of an appropriate scale and type.*

Agricultural buildings should, therefore, be considered in relation to that wording read together with the presumption in favour of sustainable development set by **NPPF** paragraph 11.

#### *Need*

There has been some debate between the applicant's agricultural representative and the Council's agricultural consultant about how the need for the building should be assessed.

Large farms have 'permitted development' rights for agricultural buildings provided an *agricultural need* (identified as in relation to an agricultural trade or business) is established.

However, this is a small agricultural holding, without such rights, and an application to the Council for planning permission is necessary. In determining the application, it is

not required that the agricultural operation is a trade or business; rather, it is necessary to follow the requirements of **Policy SP4**.

This report concludes that the need for the development in this location has to be established in order that the proposal accords with the development plan.

#### *Design for purpose*

The applicant states that the building is designed as a secure store for valuable machinery. And, it is designed in natural stone with a slated roof so as to be in keeping with the Mereclough area. In this, it accords with **Policy SP5** which requires that built development fits the character and material of the area.

This design is understandable. However, storage of hay requires proper ventilation and purpose built buildings normally incorporate 'Yorkshire boarding' to their upper walls to enable through-flow of air, avoiding mould and fire hazard arising from over-heating of the stored hay.

To summarised this matter:

- The building would be used in connection with the applicant's agricultural use of the land.
- That the applicant employs some of the agricultural equipment (including logging and hedging equipment) in contract work elsewhere than on his land, is in keeping with the normal farming practice of making full use of expensive kit.
- The design of the building does not incorporate ventilation and is not, therefore, designed to meet the hay-storage purpose.
- A condition could be imposed to require removal of the building if agricultural use ceases, as the building would then be inappropriate in this location.

In conclusion, the recommendation is made on the basis that the building would be used as a store for agricultural machinery and hay. The need for the building can only be established if the design incorporates ventilation suitable to include the intended hay storage. And delegation to approve is sought for that basis.

#### **Recommendation:**

That provided satisfactory amended details are received showing changes are made to the design of the building to provide ventilation suited to its hay storage purpose the Head of Housing and Development Control is delegated to grant planning permission subject to the following conditions and any further condition(s) arising from, or amended in, negotiations with the applicant.

#### **Conditions:**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: drawing numbers: 472/03 (Location Plan); 472/01 (New Agricultural Building – showing plan and elevations of the building); 472/02 (New Agricultural Building – showing site layout); 472/04 (Block Plan); received 13 November 2018.

3. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance.
4. The building shall be removed within six months of the cessation of its use for the storage of agricultural equipment or other agricultural purposes.

**Reasons:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To secure sustainable drainage and to manage the risk of flooding and pollution, in accordance with Policy CC5 of the Burnley's Local Plan.
4. The building is located outside the development boundary and permission is only granted because it is needed in this location, and that need arises from its connection with agriculture. This is in accordance with Policy SP4 of the Burnley's Local Plan.

AR 15.1.2019