

BURNLEY BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE

Date: 24th August 2017

PART III

Town and Country Planning Act 1990
Planning Appeal by Mr and Mrs A Cockroft

APP/2017/0001 Appeal against the refusal of planning permission for the erection of an agricultural building at Deerplay Inn, Burnley Road, Clough Bottom, Cliviger

Background

The appeal relates to a proposed agricultural building measuring approximately 24.4m x 10.7m with metal clad walls and pitched roof to a ridge height of 5.5m to be located in a field, approximately 50m from Burnley Road within a remote and open moorland setting, approximately 4km south of the town of Burnley.

The application was refused for the following reason:-

1. The applicant has failed to demonstrate that there is a functional need for the proposed agricultural building, particularly given the limited size of the holding and the nature and viability of the proposal. The development would not therefore represent an acceptable form of limited development in the rural area and would lead to an unnecessary and unsustainable development that would have a significant impact and be harmful to the openness and character of the open moor landscape, contrary to Policies GP2 and E29 of the Burnley Local Plan, Second Review (2006) and the National Planning Policy Framework.

Estimate of cost of officer time - £400

Main Issues:

The Inspector identified the following as the main issues:-

1. whether the proposal is consistent with the objectives of local and national planning policies relating to development in rural areas, and;
2. the effect on the character and appearance of the area.

Appeal Decision – The Inspector **DISMISSED** the appeal.

Relevant Policy

GP2 – Development in rural areas

E29 – New agricultural development

Inspector's Considerations

The Inspector stated that provided that the use of the building would be for agricultural purposes, which in itself is a test of reasonable necessity, in principle there is no limitation on the size or scale of such a building. He noted that there is no specific guidance in Policy GP2 which defines large buildings and that such a restriction is not consistent with the National Planning Policy Framework. He therefore stated that in his view provided that the building would be used for agricultural purposes, whether the size and scale of the building is appropriate in terms of Saved Policies GP2 and E29 of the LP and the Framework requires site specific consideration in terms of character and appearance.

The Inspector was satisfied that the building has been designed for agricultural purposes and that the proposed management of the land and the activities indicated could support the agricultural use of the building. He did however admit that there are uncertainties in terms of agricultural activity which would take place and the economic viability of any enterprise following investment in the building, equipment and improvements to the land. However, the Inspector noted that if the appeal were to be allowed, he was satisfied that the use of the building for agricultural purposes could be appropriately safeguarded by a condition requiring its removal were such uses to cease. He therefore concluded that the principle of the development would not conflict with Policies GP2 and E29.

He then went on to consider the issue of impact on the character and appearance of the rural area. He stated that the building would be visible from various vantage points along the road, but its scale and siting from those perspectives would not be particularly prominent within the moorland landscape or out of place in a locality where intermittent farm buildings are a common feature. However, he also considered the impact of the appeal proposal on views from the public footpath that straddles the boundary with the proposed site. On this point, he stated that the proposed building would be a dominant feature when viewed from the public right of way which runs adjacent to the western boundary of the site. Users of the public right of way are sensitive receptors to change and the development would increase the sense of enclosure of built form when walking to and from open countryside to the north. He stated that from those perspectives, the building would also obscure some wider views of the moorland landscape. Consequently, the presence of the building in that location would harmfully affect the outlook across the open countryside and moorland landscape with a significant adverse effect upon the amenity for users of the public right of way.

Inspector's Conclusions

The Inspector concluded that the proposal would not have a harmful effect in terms of the principle of an agricultural building relative to the objectives of local and national policies relating to development in rural areas. In that regard, there would be potential benefits of the development including to the rural economy. However, the identified harm to the character and appearance of the area would be significant and overriding and reflects conflict with the development plan and the Framework when taken as a whole.

Background Papers

Planning application file APP/2017/0001

The above papers are available for inspection from Planning and Environment Services, Contact Burnley, 9 Parker Lane, Burnley, BB11 2DT. Telephone (01282) 425011