

Application Number 19/00648/FUL

Proposal	Erection of an agricultural building, tractor store, feed silos and associated works for the purposes of rearing cattle (part retrospective application).
Site	Listed on the application form as 141 Mottram Moor, Hollingworth, Tameside, SK14 8LZ. Site is effectively west of Coach Road, Hollingworth.
Applicant	Mr V Casale
Recommendation	Refuse planning permission.
Reason for Report	A Speakers Panel decision is required because residents have requested to address the meeting in relation to the proposals.

1.0 APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the erection of an agricultural building, tractor store, feed silos and associated works for the purposes of rearing cattle (part retrospective application).
- 1.2 The agricultural building has been constructed and is in situ/use as a cattle barn. It is a largely steel framed timber clad structure with a flat steel roof. The appearance is somewhat ad-hoc owing to various alterations; internally there are a series of bays which separate cattle into groups. The bays have an open frontage onto a concrete surfaced yard. Access is taken via a gated entrance from Coach Road to the east. The measurements of the building are approximately 33m (L) x 6.5m (B) x 4.8m (H).
- 1.3 The tractor shed has yet to be constructed. This would be a building of timber construction measuring 8m (L) x 6m (B) x 4.3m (H) and would be sited to the south of the Cattle Barn accessed from the courtyard.
- 1.4 The application also seeks to rectify a number of operational works including retaining features to the rear of the cattle barn, hardstanding and, drainage and position of grain feed silos.
- 1.5 Management plans have been submitted in support of the application. This is based upon a maximum head of 50 cattle. The statement raises the following:
 - Feed will be delivered once or twice per month. This is to be stored in the 12 ton silo bin to the north east of the site and is shown on the application drawings;
 - Haylage will be stored on site wrapped in plastic wrap, whilst the store to the rear of the cattle shed is constructed. The increase in height will allow the bales to be placed into the store via a tractor;
 - Sawdust will be stored in part of the cattle barn until building work has been completed;
 - Molasses will be stored in IBC containers in the yard.
 - Cow dung is to be stored in a concrete bund, next to the cattle shed. The waste is currently being collected on a 7 to 10 day interval which is sufficient to keep the odour and flies to a minimum and this will be monitored and amended as necessary. Should the weather / amount of dung exceed the requirements, additional collections will be made;
 - Slurry waste is collected in the three underground slurry tanks and sucked out with a tanker and taken away for disposal as and when required;
 - Consideration will always be given to the environment (smell, insects and pests);

- When building works have been completed the cattle will also be turned out to graze with a view to purchase or rent more land for grazing.

2.0 SITE & SURROUNDINGS

- 2.1 The site is located on the rear (north) of properties which front Mottram Moor and is accessed from the east via Coach Road. The site sits in a hollow, it comprises of agricultural land within the Tameside Green Belt boundary. The application site concerns the siting of the shed and storage barns only, the applicants ownership extends to circa 0.6 hectares. The red line boundary extends to an area of 365sqm. The applicant has been raising cattle at the site for approximately 20 months. Prior to this the site was used as a small holding of a scale of not particular significance.
- 2.2 The main building is already constructed with cattle currently being reared from within it. The predominant material is timber, the design is not traditional and appears to have evolved across additional/phased alterations. The yard is of concrete construction and there is drainage to a septic tank. Feed is stored within the site either within silos or in stacked bails. Visits have confirmed the presence of outside storage of various building materials and construction paraphernalia. Machinery has been present on the site including a tractor and tipper. There is evidence of animal waste being stored/spread on land immediately adjacent to the building.
- 2.3 The site's access from Coach Road comprises of an un-adopted potholed track, this is in part shared by properties fronting Coach Road. There is evidence of some works undertaken to resurface and retain the track.
- 2.4 The nearest residential properties are those fronting Mottram Moor to the south and Coach road to the east, all of which occupy an elevated position to the site. The rear garden boundary is within approximately 20m of the site building. The properties on Mottram Moor are separated by a copse of trees and there is also a stream/brook running along their rear boundary.

3.0 PLANNING HISTORY

- 3.1 Record taken from 141 Mottram Moor:-
 - 17/00417/FUL – Single storey rear garage – Refused

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation: Green Belt

4.2 Part 1 Policies

- 1.3: Creating a Cleaner and Greener Environment.
- 1.5: Following the Principles of Sustainable Development
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

4.3 Part 2 Policies

- OL1 Protection of the Green Belt
- OL10: Landscape Quality and Character
- OL11 - Support for Agriculture
- OL12 - Development Associated with Agriculture

C1: Townscape and Urban Form
T1: Highway Improvement and Traffic Management
N4: Trees and Woodland.
N5: Trees Within Development Sites.
N7: Protected Species
MW11: Contaminated Land
MW12: Control of Pollution
MW14: Air Quality
U1: Utilities Infrastructure
U4 Flood Prevention

4.4 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.5 National Planning Policy Framework (NPPF)

Chapter 8 – Promoting Healthy and Safe Communities
Chapter 12 – Achieving Well-Designed Places
Chapter 13 – Protecting Green Belt Land
Chapter 15 – Conserving and Enhancing the Natural Environment

4.6 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement on two occasions. A site notice was also erected. In response there have been 31 letters of objection received.

6.0 RESPONSES FROM CONSULTEES

- 6.1 Environmental Health Officer (EHO) - Based on its location, and the likely number of cattle in the shed at any one time, there is a strong possibility of this development causing both an odour and insect nuisance to nearby residential properties, particularly during the warmer months. However, EH are not currently able to confirm whether such nuisances exist which is, in part due to the current pandemic and restrictions placed upon us as a result.
- 6.2 Environmental Services (Animal Welfare) – No welfare issues identified.

- 6.3 Contaminated Land – No objections, no requirements for any remediation given the agricultural use. Any contamination of controlled waters would be regulated by the Environment Agency.
- 6.4 Environment Agency - No comments received.
- 6.5 Highways – No objections to the proposals. Do not wish to restrict approval of the application and no recommendations are made for conditions relevant to site access arrangements.
- 6.6 Tree Officer – Does not consider that any tree or vegetation would be affected by the proposals.
- 6.7 United Utilities – Confirmed that the building does not encroach upon the Longdendale aqueduct that passes through the site. Removed an initial objection, confirmed, and would not be prejudicial to its maintenance.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- Since the building was erected and cattle moved to the site residents have been plagued by flies, which is a health hazard;
- Odour from the site is unbearable at times, it prevents residents from using gardens or drying washing;
- Amenity of residents has been severely impacted upon;
- Residents repeatedly have to clean and disinfect items as a consequence of the site issues;
- The applicant has no regard to the planning system and should not have constructed the building without planning permission;
- Increase in vermin within the area;
- Potential pollution of the nearby brook;
- Appearance of the building is unsightly and not appropriate for agricultural use;
- The site has never supported such an intensive use and is unsuited to the scale of the development;
- Site and fields are subject to flooding during heavy rainfall the development would add to this;
- The plans are misleading; the access track shown in blue on the plan is not owned by the applicant but by TMBC. Why are TMBC allowing this;
- Cattle and feed deliveries cause significant disturbance to residents on Coach Road preventing access;
- Loss of privacy when CCTV was unlawfully erected;
- Damage to Coach Road is damaging residents vehicles;
- Loss of open space / impact upon the landscape;
- Deliveries using the access is causing deterioration of Coach Road;
- Noise and disturbance throughout the day and from the concentration of cattle which sound distressed;
- There are too many cattle for such a limited space; and
- Animal welfare concerns that cattle can't graze outside.

8.0 ANALYSIS

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decisions taken this means:-

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

9.0 PRINCIPLE

9.1 The application seeks retrospective planning permission for the erection of an agricultural building to house up to 50 head of cattle. In addition, it is proposed to erect a further building for the storage of on-site machinery.

9.2 The site is located within the Tameside Green Belt boundary. Policies OL1 and OL2 seek to protect the green belt against inappropriate development and encourage the reuse of existing buildings. Development associated with agriculture is however, compliant with Green belt Policies listed both within the UDP and NPPF.

9.3 The use of land for agricultural purposes does not require planning permission. However, the erection of buildings, engineering works and operational development require consent either through a prior approval procedure (for agricultural buildings) or via full planning consent. It is noted that the building constructed is not linked to any established farm and represents an independent enterprise introduced to the site by the applicant.

9.4 Policy OL12 states that development of agricultural buildings will be permitted provided that the proposals are sited and designed to:

- a) Minimise the visual impact on the landscape in accordance with policy OL10, and
- b) Relate well to existing farm buildings, and
- c) Minimise any adverse impact on the amenity of adjacent dwellings unconnected with the farm.

9.5 It is not disputed that the building is being used for the rearing of cattle, the principle would otherwise be considered acceptable within the Green Belt. However, in the applicants circumstances it is consideration against points a, b & c of policy OL12, where issues are raised and ultimately the site is considered not to lend itself to the scale of operations which the application seeks to establish.

9.6 Noting the retrospective nature of the proposal, Members are advised that a refusal of planning permission may require formal enforcement proceedings to be undertaken.

10.0 IMPACTS ON RESIDENTIAL AMENITY

10.1 The general thrust of UDP policies seek to ensure that neighbours are protected from harmful development. Policy OL12 (C) makes explicit reference to the need for new agricultural buildings to minimise any adverse impacts upon the amenity of adjacent dwellings. General policy/guidance is to site such buildings away from sensitive receptors.

10.2 Paragraph 180 of the NPPF states; 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including

cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development’.

- 10.3 The application has been under consideration by the Authority for a period of over 20 months. This perceived delay in decision-making has allowed officers to try to work with the applicant to resolve issues with site management; it has also allowed a degree of monitoring of site conditions. Observations during this period include:
- Cattle are reared within the building at all times;
 - Improvements to waste management have been introduced but waste still appears to be spread on adjacent fields;
 - Whilst intermittent, odour from the site is very strong/pungent and consistent with residents representations;
 - Adjoining land is being used for open storage of construction materials;
 - Building work continues to be undertaken with repeated alterations and extensions made; and
 - Relatively large quantities of animal feed are stored around the building.
- 10.4 Representations made from residents raised numerous points of concern. It should be noted that the initial consultation pre-dated current Covid-19 restrictions. It is considered reasonable to assume therefore that they are not reflective of heightened sensitivities from residents being confined to their properties. A consistent issue raised is one of malodour and flies attributed to the operations.
- 10.5 These observations are also consistent with observations from officers during periodic site visits to the building itself and neighbouring properties. Residents state the repeated need for fly traps throughout their houses and an inability to use outdoor gardens. The concerns have been expressed to the applicant and attempts have been made to introduce new management techniques. It appears that these techniques have not resolved matters to the satisfaction of local residents and due weight is apportioned to their comments in assessing the impact of the scheme on the residential amenity of neighbouring properties.
- 10.6 A balanced assessment is required of the proposals. It is accepted that the local environment is semi-rural in character, properties within the vicinity back onto agricultural land and there are several active farms within the vicinity. It is reasonable to assume that day-to-day activities associated with these farms may give rise to amenity issues. This established relationship and local character is a material consideration.
- 10.7 In a similar vein, it is noted that most farm complexes are relatively isolated from residential properties, and cattle are generally allowed to graze openly and not in a building which borders residential uses. The position of a building used solely for the rearing of cattle in close proximity to residential properties is not an established characteristic of local agricultural uses.
- 10.8 The merits of the proposal are considered in the context of the wider environment and requirements of the NPPF and policy OL12. In addition to paragraph 180, paragraph 183 of the NPPF states; ‘The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions’. The view taken is that agricultural use is an acceptable land use in principle, and that such uses are part of the fabric of the locality, however, the circumstances of the applicant are substantially different, particularly given that it is not related to an established farm enterprise.
- 10.9 To address concerns the applicant has attempted to implement new site management processes. However, evidence from representations suggest that these measures have not addressed the problem associated with malodour and continued nuisance from flies. Cattle

are not given the freedom to graze meaning that all associated waste is concentrated within a single area; such an arrangement appears to directly exacerbate the issues associated with odour, and amenity, which have been raised by the residents and which are material to the planning judgement.

- 10.10 Consideration has been given to the application for conditions to control the use of the building and the numbers of livestock that can use it. It is noted that at 214sqm (approx.) the building meets requirements of providing 4-5 square metres of floor area per animal (Farm Advisory Service Standards).
- 10.11 Discussions with the applicant to reduce the head of cattle have not culminated in any written commitment to do so. Adjacent land is not used for the grazing of the animals and the applicant continues to raise them solely from the building. Had alternative arrangements been available, conditions could have been applied limiting the use of the building to winter months. This, however, is an option that has not been forthcoming.
- 10.12 Adjoining land, within the applicant's ownership, offers limited outdoor grazing potential, and would not be sufficient to support the head of cattle involved. Whilst the use of this land would remove the concentration of activity from a single area, it would remain that cattle would need supplementary feeding and this would still need to take place from the building. It is also the case that the land is bordered by residential properties, so issues relating to amenity and disturbance are likely to occur.
- 10.13 In terms of disturbance to residents, it is understood that noise from the animals and vehicle movements could be another factor. Again, the concentration of cattle in a single area could give rise to relatively high levels of noise. The access arrangements can also interfere with that of properties on Coach Road, who access their parking from the track. The inability for larger vehicles to enter and manoeuvre within the site dictates that they will reverse and wait on the track obstructing access. This adds to the cumulative issues taken with the location of the building and its adverse impact upon residents.
- 10.14 The conclusion reached is that the concentration of the cattle within a building within close proximity of residential properties is not acceptable. The proposal represents an over intensive use of a constrained site. Observations made by officers on site visits, along with representations from residents, confirm that the proposals have an adverse impact upon the amenity of nearby residents and this is considered contrary to requirement of policy OL12 and relevant paragraphs of chapter 15 of the NPPF.

11.0 IMPACTS ON VISUAL AMENITY & LANDSCAPE CHARACTER

- 11.1 Policy OL10 emphasises the need for any development to be sympathetic to its surroundings. It strives to ensure that developments achieve high standards of siting, design, materials and landscaping. In addition to this, criteria (A&B) of Policy OL12 relate to design considerations of new agricultural development. The circumstances are unique; the agricultural activity which has been introduced in this case is not associated to an established farmstead. As a consequence, the building is an isolated form of development which does not relate to any existing farm buildings. The resulting impact upon the immediate landscape quality is considered to be negative.
- 11.2 Geographical features dictate that the building is not particularly prominent. It is sited within a hollow against an embankment. Trees to the south of the site offer some screening from properties on Mottram Moor, views are apparent particularly from late autumn to mid spring when trees are not in full leaf.
- 11.3 In terms of the visual acceptance of the proposals, the building has not been constructed to a recognised design. The building appears to have evolved as a series of extensions and alterations giving an overall ad hoc appearance. As well as the existing building, the visual

impact must also be considered in the context of the additional machine store, grain store and outside storage and the overall level of activity. It is considered that the building and associated storage would give rise to an undesirable cluttered appearance and represents an incongruous addition to the landscape. This would also be contrary to paragraph 141 of the NPPF which advises that Local Planning Authorities should plan positively to retain and enhance landscapes and visual amenity within the Green Belt.

12.0 HIGHWAY SAFETY

- 12.1 Access to the site is taken via an un-adopted track directly off Coach Road. Both the surface of the track and Coach Road are in a compromised condition, which is heavily potholed. Objections have been received, raising concern about increased vehicle movements resulting in further deterioration of Coach Road.
- 12.2 Coach Road itself serves a number of residential properties as well as Nettle Hall Farm. The day-to-day traffic movement are not deemed to be significant and consultation with the Local Highway Authority has not resulted in any objections.

13.0 OTHER MATTERS

- 13.1 Trees - The erection of the current building has not seen the removal of any trees and this would also be the case for the additional tractor building that is proposed.
- 13.2 Contamination – Representations have raised concerns about the potential contamination of the adjacent watercourse from materials and waste stored at the site. The applicant has installed a slurry tank which collects liquid waste from the building and is emptied by mechanical means. The control of waste and the appropriate provision of drainage, with regard to agricultural developments, are controlled by separate legislation, which is enforced by the Environment Agency. The Environment Agency have not expressed any interest when consulted on the application.
- 13.3 Coach Road – Queries have been raised on the ownership and responsibility of the access track off Coach Road. TMBC Estates confirmed that it is in fact 'common land' and that the Council merely act as custodian and land manager in order to enforce the provisions of the Commons Registration Act 1965. The applicant is afforded common 'rights to roam' across the land.
- 13.4 United Utilities – United Utilities had initially raised a dispute over the location of the building to a pipeline in their ownership. The matter has since been resolved.

14.0 CONCLUSION

- 14.1 The assessment of the proposals is balanced. It is clear that the building supports an agricultural activity, which is a compatible land use with Green Belt Policy. However, a major failing of the development is its close proximity to residential properties. The scale of the operations within a limited site is not conducive to maintaining appropriate levels of amenity to nearby residents. Ultimately, when considering the merits of the proposals it is considered to represent an overly intensive use of a limited site and the adverse impacts which arise are contrary to UDP policy OL10 and paragraphs 180 and 183 of the NPPF.
- 14.2 In addition to concerns in relation to the amenity of neighbouring residents, the cumulative impact of the poor design of the existing and proposed development, associated outside storage and ancillary works is considered to be harmful to visual character and overall quality of the local environment. This, in combination with the harmful impact upon residents

amenity caused by the building's size and intensity of use leads to the conclusion that the location is not suitable for the building or use and as such, officers conclude that the application should be refused.

RECOMMENDATION

Refuse, for the following reasons:

- 1) The agricultural building, by reason of its overall scale, footprint and location, has introduced an intensive operation into a sensitive location by virtue of the close proximity to residential properties. Such a use gives rise to unacceptable impacts on the amenity of nearby residents by virtue of nuisance generated from malodour from the scale of the sites operations. The constraints of the site are such that it is considered that these impacts cannot be adequately mitigated against. Consequently, the site is considered not to be suitable to support the building and its associated impacts. The proposals are therefore considered to be contrary to UDP policy OL12 and paragraphs 180 and 183 of the NPPF.
- 2) The building assumes a poor design not befitting of its location. The cumulative impact of the design, materials and scale of the development along with outside storage gives rise to an undesirable cluttered appearance. The isolation of the building (not tied to a farmstead) forms an incongruous feature within the landscape to the detriment of the character and visual amenity of the locality contrary to UDP policies OL10, OL12 and Paragraph 141 of the NPPF.