CALDERDALE METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

WARDS AFFECTED: MORE THAN THREE

Date of meeting: 2 August 2022

Chief Officer: Director of Regeneration and Strategy.

1. SUBJECT OF REPORT

APPLICATIONS FOR DETERMINATION RE PLANNING PERMISSION, LISTED BUILDING CONSENT/CONSERVATION AREA CONSENT, LOCAL AUTHORITY APPLICATIONS, CROWN APPLICATION OR CONSENT TO FELL PROTECTED TREES

(i) Executive Summary
(ii) Individual Applications

2. INTRODUCTION

2.1 The attached report contains two sections. The first section contains a summarised list of all applications to be considered at the Committee and the time when the application will be heard. Applications for Committee consideration have been identified in accordance with Council Standing Orders and delegations.

2.2 The second section comprises individual detailed reports relative to the applications to be considered.

2.3 These are set out in a standard format including the details of the application and relevant planning site history, representations/comments received arising from publicity and consultations, the officers assessment and recommendation, with suggested conditions or reasons for refusal, as appropriate.

2.4 Where the Committee considers that a decision contrary to the recommendation of the Director of Regeneration and Strategy may be appropriate, then consideration of the application may be deferred for further information.

2.5 Where a Legal Agreement is required by the Committee, the resolution will be "Mindful to Permit Subject to a Legal Agreement being completed", combined with a delegation to the Director of Regeneration and Strategy.

3. IMPLICATIONS ARISING FROM REPORT

3.1 Planning Policies

These are set out separately in each individual application report.

3.2 Sustainability

Effective planning control uses the basic principle of sustainable development by ensuring that development meets the needs of the present without compromising the ability of future generations to meet their own needs. Through the development control system, the Council can enable environmental damage to be minimised and ensure that resources are used efficiently and waste minimised. Particular sustainability issues will be highlighted in individual reports where appropriate.

3.3 Equal Opportunities

All applications are considered on their merits having regard to Government guidance, the policies of the Development plan and other factors relevant to planning. This will be done using the Development Control Code of Conduct for officers and members as set out in the Council's Standing Orders.

In the vast majority of cases, planning permission is given for land, not to an individual, and the personal circumstances of the applicant are seldom relevant.

However, the Council has to consider the needs of people with disabilities and their needs are a material planning consideration. Reference will be made to any such issues in the individual application reports, where appropriate.

The Council also seeks to apply good practice guidance published in respect of Race and Planning issues.

3.4 Finance

A refusal of planning permission can have financial implications for the Council where a subsequent appeal is lodged by the applicant in respect of the decision or if a case of alleged maladministration is referred to the Local Government Ombudsman or a Judicial Review is sought through the Courts.

In all cases indirect staff costs will be incurred in processing any such forms of 'appeal'.

There is no existing budget to cover any direct costs should any such 'appeal' result in 'costs' being awarded against the Council. These would have to be found by way of compensatory savings from elsewhere in the Planning Services budget.

Reference: 6/00/00/CM

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

Richard Seaman TELEPHONE :- 01422 392241
Corporate Lead
For Planning Services

DOCUMENTS USED IN THE PREPARATION OF THIS REPORT:

1. Planning Application File (numbered as the application show in the report)
2. National Planning Policy and Guidance
3. Calderdale Development Plan(including any associated preparatory documents)
4. Related appeal and court decisions
5. Related planning applications
6. Relevant guideline/good practice documents

DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

www.calderdale.gov.uk.

You can access the Council's website at the Council's Customer First offices and Council Libraries.

List of Applications at Committee 2 August 2022

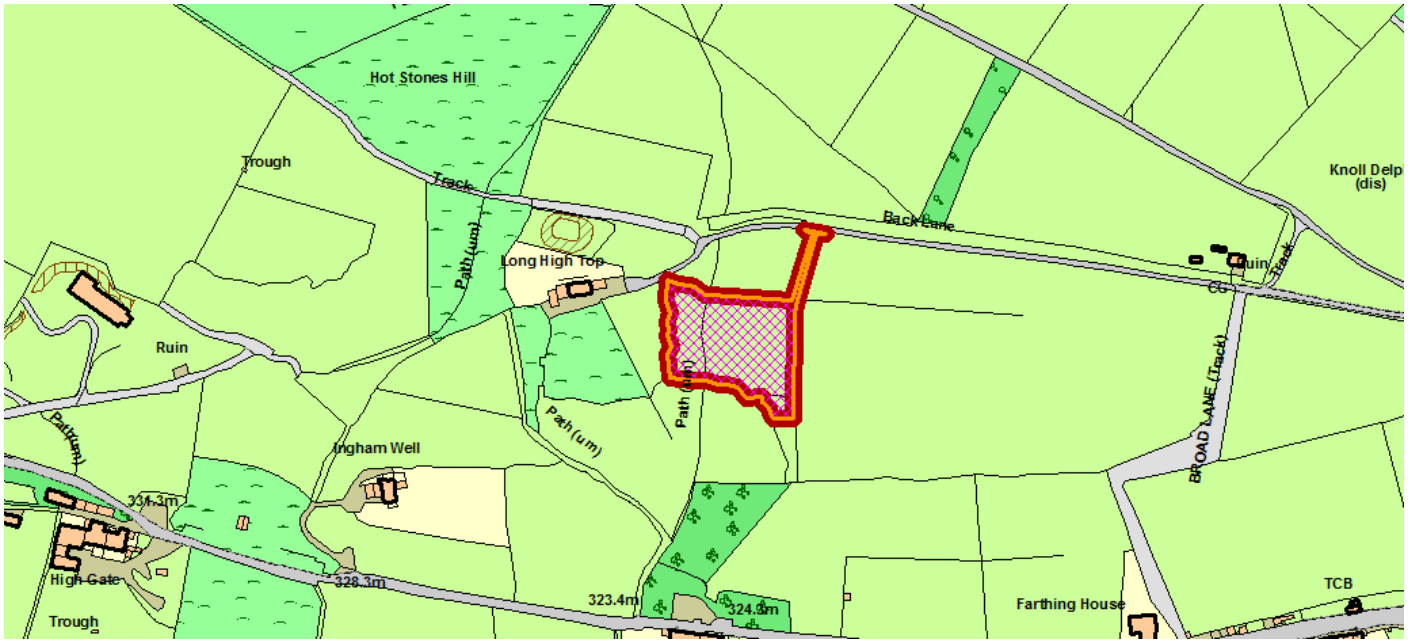
Time & No.	App No.	Location	Proposal	Ward	Page No.
14.00	21/01504/FUL	Land South East Of Long High Top Back Lane Hebden Bridge Calderdale HX7 7PF	Two agricultural barns for the housing of animals and the storage of feed, agricultural machinery and equipment together with new access off Back Lane (Retrospective)	Calder	5 - 17

Time Not Before: 14.00

Application No: **21/01504/FUL** Ward: **Calder**
Area Team: **North Team**

Proposal:
Two agricultural barns for the housing of animals and the storage of feed, agricultural machinery and equipment together with new access off Back Lane (Retrospective)

Location:
Land South East Of Long High Top Back Lane Hebden Bridge Calderdale HX7 7PF



Applicant: **Mr M Stocks**

Recommendation: **PERMIT**

Parish Council Representations: Yes
Representations: No
Departure from Development Plan: No

Consultations:

Heptonstall Parish Council
Environmental Health Services - Pollution Section (E)
Highways Section

Description of Site and Proposal

The site comprises an existing landholding off Back Lane (to the north-west of the junction of Smithy Lane and Edge Lane). The land is in agricultural use and the applicant states they currently farm around 500 sheep. The proposed site is in the rural settlement of Colden which consists of scattered farmsteads and the occasional cluster of dwellings.

Access to the site is taken from Back Lane to the north-east of the buildings. The site access and barns sit within the Green Belt whilst land to the west of the barns is identified as Area Around Todmorden. The site is also designated as Special Landscape Area (SLA). A public footpath (03/34/8) runs in a north-south direction through the site.

The proposal is for two agricultural barns for the housing of animals and the storage of feed, agricultural machinery and equipment together with new access off Back Lane (Retrospective)

The application is brought to Planning Committee at the request of Ward Councillor Young and due to the sensitive nature of the proposal.

Supporting Information

The proposal is supported by the following documents:

- Cover letter including Planning Statement
- Foul Drainage Assessment Form

Relevant Planning History

There is a current enforcement file pending on the site reference 21/60033/ENF. This is for Alleged unauthorised agricultural buildings and associated works. No enforcement action is being carried out on the site whilst the current application is pending decision. Once the current application has been determined, further investigations will be carried out on any remaining unauthorised works.

Key Policy Context:

Replacement Calderdale Unitary Development Plan Designation	Green Belt Special Landscape Area
Replacement Calderdale Unitary Development Plan policies	**GNE1** Containment of the Urban Area **E16** Agricultural and Equestrian Development **BE1** General Design Criteria **BE5** Design and Layout of Highways and Accesses **EP5** Control of External Lighting **EP8** Other Incompatible Uses **EP10** Development of Sites with Potential Contamination **EP13** Development Involving Non-mains Drainage **EP14** Protection of Groundwater **EP 20** Protection from Flood Risk **EP22** Sustainable Drainage Systems **NE16** Protection of Protected Species **NE17** Biodiversity Enhancement
National Planning Policy Framework Paragraphs	**12. Achieving well-designed places** **13. Protecting Green Belt Land** **15. Conserving and enhancing the natural environment**

Other relevant planning Constraints	**Non-Mains Drainage**
Other Material Planning Considerations	**Climate Emergency Declaration (Jan 2019)** **Emerging Local Plan**

Publicity/ Representations:

The application was publicised by site notice, press notice and four neighbour notification letters.

Five letters of objection including one from the Parish Council and one from Councillor Dave Young were received. One letter of representation has also been received.

Summary of Points Raised

Objections

- Boulders are blocking a public right of way
- Impact on the visual amenity of the area
- Constructed without the benefit of planning permission – unfair advantage
- Lighting on site is extremely bright
- Noise from plant
- Inadequate drainage from sheep sheds
- Pungent smell from site not associated with agriculture
- Inappropriate road surfacing materials

Representation

- Not clear what the barns are to be used for
- Not usually necessary for barns this size for sheep
- Already have a large farm building in the quarry and they have connected this with a tarmac scapings road to the new buildings
- Large amount of material brought on the site for levelling
- Using Back Lane for heavy machinery will damage the road
- Containers are not necessary on site- storage can be in the barns
- No need for welfare unit
- Should not be used for commercial use other than agriculture or for the conversion to a dwelling in the future
- Generator on site causes noise issues
- Not opposed to genuine agricultural reasons subject to conditions re noise, lighting, removal of containers, screening..
- Right of way is not passable and not sure where it could be re-located due to changes to the land levels from tipping

Ward Councillor Comments

Ward Councillor Dave Young has made the following comments:

> *"As a Calder Ward Councillor, I wish to object to PA 21/01504/FUL on the following grounds Deliberate obstruction of a Public Footpath as the barns have been built across a Public Footpath.*
>
> *Adverse impact on Visual Amenity*

This is in a Green Belt area.
If the Planning Officers recommend refusal then this is OK but if they recommend approval then I would like the Planning Application to go before The Planning Committee following a site visit"

Parish/Town Council Comments

The development is located within the boundaries of Heptonstall Parish council.

Heptonstall Parish Council have made the following comments:

"Heptonstall Parish Council wishes to object to this retrospective application.
It is considered there is :

(A) Adverse impact on Visual Amenity
(B) Inappropriate materials - a site of historical worth
(C) Earthworks have change the skyline
(D) Toxicity of materials
(E) The Roadway should be included as part of the application
(F) Public footpaths infringements
(G) Potential for light pollution."

An assessment regarding the materials is set out below. Some levelling of land is nearly always required for the construction of agricultural buildings. The agent has provided details of the materials that have been brought on site they would appear to be inert. Applicant has stated they would remove the boulders blocking the track. The agent has said they would be doing this before Planning Committee. Access from Back Lane has been identified on the plan and is now included in the description. Light pollution can be dealt with as part of a condition. Any outstanding unauthorised works following the planning decision will be investigated.

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan,unless material considerations indicate otherwise. The National Planning Policy Framework July 2021 (NPPF) complements this requirement and sets out the Government's planning policies for England and how these are to be applied, alongside other national planning policies. The NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; (*for example…Green Belt)* or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The framework indicates that development should be restricted in the Green Belt if there is a clear reason for refusal and if so the presumption in favour of development does not apply.

According to the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

In relation to inappropriate development, the NPPF states that:

> *"147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
>
> *148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

The NPPF states in paragraph 149

> *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst other things):*
>
> - *buildings for agriculture and forestry*

The proposal is for two agricultural barns and as such is appropriate development in the Green Belt. The development is retrospective and originally included four shipping containers which are currently being used for storage and welfare purposes. Although the containers are currently in situ they have been removed from the application as the Local Planning Authority considered them to impact on the visual amenity of the area. These will be dealt with separately along with any other unauthorised works not included in this application as part of an on-going enforcement investigation. However, the applicant has stated that the containers will be removed and the public right of way unblocked.

Barn one measures 30m x 9m and has a monopitch roof with an eaves height of 3.5m rising to 4m. It is clad in timber and the roof is constructed out of a dark coloured single ply roofing system. Access is via the open sided east elevation and via a roller shutter door in the south elevation. This barn is mainly used for the storage of machinery and feed.

Barn two measures 30m x 9m and has an eaves height 3.5m with the highest point measuring 4m. It is also clad in timber and the roof is constructed out of a dark coloured single ply roofing system. Access is via the open sided west elevation. This barn is mainly used for the storage of agricultural vehicles and livestock.

The adjacent containers are no longer part of this retrospective application. The applicant states they will be removing these and will store the contents in the barns if approved.

The new access track off Back Lane to the north-east of the site is made from road scalpings laid on top of the original track that was made through the field by agricultural vehicles. The agent has stated the surfacing was improved to be able to take heavier agricultural vehicles during wetter winter months. It is approximately 3m -3.5m wide and is located to the north-east of the barns. Given there was already a mud track through the field and the surfacing is dark in finish the impact is not considered to have a significant impact on the openness of the Green Belt. Engineering operations are considered to be an appropriate development under paragraph 150 of the NPPF as long as they do not conflict with the purposes of including land within it. The works to make the access track off Back Lane are considered to be limited and provide access to the agricultural buildings which are an appropriate development in the Green Belt.

In terms of any new tracks and excavation works to the south-west of the site, these are not included as part of this application and will be investigated separately.

The Council's Animal Welfare Officer has been consulted and has confirmed the number of sheep is around that the applicant has stated. They have also confirmed that given the location which is at a high altitude the barn would be necessary for lambing purposes due to the number of sheep, in order increase the rate of survival.

An assessment on openness is not required for agricultural buildings.

For the reasons given above the barns and new track are acceptable in principle subject to satisfying other relevant policies set out below and would satisfy RCUDP policy GNE1 and the criteria set out in Section 13 of the NPPF.

Agricultural and Equestrian Development

Policy RCUDP E16 discusses Agricultural and Equestrian Development and establishes that agricultural and equestrian developments will be permitted provided that:-
i. any buildings and other facilities are of good design reflecting, where appropriate, local building traditions, the characteristics of the site and the use of appropriate materials;
ii. the proposal would not have an adverse impact on sites of recognised ecological, geological or conservation importance;
iii. the proposal would not result in any unacceptable environmental, amenity, safety, highway or other problems; and
iv. where appropriate, adequate screening and landscaping is provided.

As set out above under the 'Principle of Development' the proposal is for two agricultural barns for the purpose of housing animals, and for the storage of feed, and to store agricultural machinery and equipment. The applicant has 33.95 ha registered on the RPA with the new land measuring 21.70 ha. The applicant therefore has 55.65 ha in total (137.5 acres).

The design and materials are acceptable and typical of agricultural buildings in Calderdale. Barn one would be the nearest to a third party dwelling at approximately 50m south-east of Long High Top. It is acknowledged that the containers are closer as are the hay bales that are being stored outside, but the containers are not part of the application and hay bales are often seen piled up on agricultural land and would not require planning permission. The new track from Back Lane would provide a more substantial finish in wetter weather for heavier agricultural vehicles than the previous mud track to the site.

The buildings would be far enough away from the nearest third-party dwelling for the purpose of planning.

Each barn has one elevation which is open sided with barn one having an additional roller shutter door.

Concerns have been raised regarding the blocking of a public footpath. The applicant has stated they would remove the boulders to make sure there is access via the PROW. They have said they were placed there to stop the sheep getting in tot the neighbour's garden.

In any event the applicant could look to divert the PROW but the diverting of a public right of way is not a planning matter as this is dealt with under highway legislation. An informative will be included making the applicant aware of this if recommended for approval. Subject to this, highways have no objection.

Concerns regarding noise from an on-site generator have been raised along with excessive lighting at the site which appears very bright in the night sky. If recommended for approval conditions relating to noise and lighting would be attached to the permission. Further details are set out below under 'Residential Amenity'.

Given the above and subject to conditions, the proposal would satisfy RCUDP policy E16.

Visual Amenity, Layout, Design and Materials

Paragraph 11.34 of the RCUDP states: "… *The most important landscapes of the District need to be safeguarded and have therefore been designated as a Special Landscape Area …"* The site lies within such an area where RCUDP policy NE12 applies. This policy discusses development within the Special Landscape Area and establishes that development which would adversely affect landscape quality will not be permitted.

This policy does not specifically set out the 'cost/benefit' of development as runs through the NPPF and cannot be considered fully consistent with the NPPF. However, it is clear that the policy reflects the main principles of sustainable development by seeking new development that enhances visual quality and minimises the environmental impact in such areas. NPPF Section 15 Conserving and enhancing the natural environment states in paragraph 174:

> *The planning system should contribute to and enhance the natural and local environment by (amongst other things):*

- *Protecting and enhancing valued landscapes …*

Policy BE1 of the RCUDP aims to ensure that development proposals make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design. Development proposals are expected to respect or enhance the established character and appearance of the existing buildings and their surroundings in terms of layout, scale, height, density, form, massing, siting, design, materials, boundary treatment, landscaping and to consider energy efficiency and security issues.

Section 12 of the NPPF Achieving well-designed places paragraph 126 states that:

> *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities, …."*

The design, materials and siting of the two barns are set out above under 'Principle of Development' and 'Agricultural and Equestrian Development'.

The proposed design is acceptable, and the siting of the barns especially due to the topography of the land and the low-level height of the barns which would be a maximum of 4 m, the barns are not considered to have a significant impact on the visual amenity of the landscape. The setting is rural in nature and consists of several farmsteads scattered around. Given the siting and height of the agricultural barns they are not considered to be out of character with the area. Furthermore, the design of the barns would be in keeping with other agricultural buildings in Calderdale and the timber facing would help reduce its impact in the open countryside.

Existing tracks have been re-surfaced and comments regarding a new track being created linking the quarry site have been made. The lower track to the south-west is not part of the application, but the agent has said the resurfacing of the existing tracks comprises scalpings and stone from digging out for the buildings and materials from demolition of an old building comprising red brick and stone.

A new track off Back Lane for the use of machinery has been constructed for access to the buildings from north-east of the site. This has been finished in tarmac scalpings and as such would be permeable, at a width of between 3m-3.5m. The dark finish is considered to reduce any impact the track may have and would be similar in colour to the mud track that was previously created through the field.

The proposal would therefore satisfy RCUDP policies BE1 and NE12 and sections 12 and 15 of the NPPF.

Residential Amenity

RCUDP policy EP5 discusses the control of external lighting and establishes that unless under exceptional circumstances urban style lighting in non-urban, countryside areas will not be supported.

RCUDP policy EP8 deals with other incompatible uses and establishes where development proposals could lead to the juxtaposition of incompatible land-uses,
they will be only permitted if they do not lead to an unacceptable loss of amenity caused
by odour, noise or other problems. Where development is permitted, appropriate
planning conditions and/or obligations will be added as necessary to provide landscaping, screening, bunding, physical separation distances or other mitigation measures.

The Assistant Director for Neighbourhoods has been consulted and has made the following comments:

> *"Concerns have been raised about noise and lighting. If the application is approved then the following conditions should be attached:*
>
> ***Artificial Lighting***
> *A scheme of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority* ***within one month of approval being granted****. The scheme so approved shall then be implemented within a further* ***one month*** *and shall be retained thereafter.*
>
> ***Policies***
>
> ***RCUDP Policy EP 5 Control of External Lighting***
> *Unless there are exceptional circumstances, urban-type lighting in non-urban, countryside areas will not be supported. In urban areas, development involving the provision of external lighting, including the illumination of existing buildings will only be permitted where:-*

i. the lighting scheme is designed to limit the lighting levels to those required for the specific working purpose of the scheme and for security; and
ii. the design minimises glare and spillage of light from the sight, especially into the night sky, areas of important nature conservation, residential areas and onto the highway.

NPPF Para 185. *Planning policies and decisions should also ensure that new development is appropriate for the 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. In doing so they should:*
c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Noise From plant and Machinery

A scheme of sound insulation for any plant and machinery to be used on the premises should be submitted to and approved in writing by the Local Planning Authority ***within one month of approval being granted****. The scheme so approved shall then be implemented within a further* ***one month*** *and shall be retained thereafter.*

Reasons :In order to protect aural amenity of neighbouring properties and to ensure compliance with policy EP8 of the Replacement Calderdale Unitary Development Plan and sections 8c, 174e and 185a of the National Planning Policy Framework 2021"

As the development has already commenced the wording of the conditions, in terms of giving a timescale is considered to be appropriate. This way a more suitable lighting scheme and a way to reduce noise at the site can be approved and implemented which would help to address the concerns raised.

The proposed development would be approximately 50m away from the nearest third party dwelling which is north west of the site at Long High Top. This distance is considered to be acceptable in planning terms.

Given the above and subject to conditions the proposal is considered to satisfy RCUDP policies EP5, EP8 and E16.

Highway and Movement

RCUDP policy BE5 seeks to secure highways and accesses whose design and layout ensure the safe and free flow of traffic in the interests of highway safety and to provide an attractive environment.

The Assistant Director – Strategic Infrastructure (Highways) has been consulted and has commented that there is no objection in principle but if the public right of way known as Footpath Halifax 3/34/8 has been obstructed and it would need to be diverted or stopped up.

An informative will be included if approved stating that the granting of planning permission does not give the right to alter, obstruct or move a Public Right of Way (PROW). This can only be achieved by following a statutory procedure which would be via an Order to divert it.

As set out above there have been concerns raised regarding the blocking of a public right of way. The agent has stated that boulders have been placed across the PROW to stop sheep getting into the neighbour's garden but will remove these, hopefully before Planning Committee. Clarification is

being sought with highways as to the status of the path as there is an unmarked path identified on the plan, but it is unclear of its status.

In any event if a PROW required a diversion this is dealt with under highway legislation and an informative as set out above will be included should the proposal be approved.

A new access track off Back lane to the north east of the site is also proposed as part of the application. This has also been constructed and finished in road scalpings and so would be permeable. It allows for machinery to access the site and provide turning within the site. A new access track to agricultural buildings is generally acceptable. The dark finish means the impact would be reduced.

Given the above the proposal would satisfy policy BE5 of the RCUDP.

Flooding and Drainage

RCUDP policy EP20 discusses protection from flood risk and EP22 discusses sustainable drainage systems. RCUDP policy EP13 deals with development involving non-mains drainage.

There is no mains foul connection at the site. A foul drainage assessment form has been submitted which states the proposal is for agricultural buildings and as such there is no need for mains foul drains. The existing welfare unit currently located in one of the unauthorised containers drains to a tank under the building and is emptied by a 'portaloo' contractor.

No information has been submitted regarding surface water drainage. The Flood Risk Manager has been consulted and has requested details of surface water run-off given the location. A condition will therefore be included giving a timescale for full details of surface water drainage to be submitted and for acceptable details to be implemented also within a given timescale.

Subject to condition, the proposal would satisfy RCUDP polices EP13, EP20 and EP22.

Wildlife Conservation, Trees and Landscape

The proposal is not in a bat alert area or wildlife corridor. However, RCUDP policy NE17 discusses biodiversity enhancement and seeks to enhance biodiversity. Paragraph 179 of the NPPF also seeks to protect and enhance biodiversity.

In order to enhance the biodiversity in the area the Council's Wildlife Conservation Officer recommends the installation of an ECO Barn Owl Nest Box which is a long lasting box be provided on site. Details of the location and type shall be conditioned again with a timescale of 1 month for the details to be provided and a further 1 month to be implemented once the type and location has been agreed.

Subject to the above condition the proposal would satisfy policy NE17 and paragraph 179 of the NPPF.

Land Contamination

The proposal site is located on land with potential land contamination and as such RCUDP policy EP10 is relevant.

The application is supported by correspondence between the agent and the Assistant Director for Neighbourhoods where it was considered that as the proposal is for agricultural use and the land has

been used for agricultural purposes in the past, a Phase 1 report is not required. It is considered that the proposal would therefore satisfy RCUDP policy EP10.

The Planning Balance

The proposed site is in the Green Belt and the proposal is for two agricultural barns with one being used mainly for the storage of machinery and feed, and the other being mainly used for the housing of livestock and agricultural vehicles. Buildings for agricultural purposes are considered under paragraph 149 of the NPPF to be not inappropriate in the Green Belt and therefore the proposal is acceptable in principle. The design, scale and materials are considered to be acceptable and given the low height and the topography of the landscape, the barns would not significantly impact on the visual amenity of the Special Landscape Area. Although the development is retrospective it is considered that conditions could be imposed which would overcome the concerns raised regarding the lighting at the site and noise from the generator. The blocking of a PROW is not a planning consideration and would be dealt with under highway legislation however, the applicant has advised that they would remove the obstruction. Subject to conditions there would be no highway, drainage, or environmental health concerns and the provision of an owl box in terms of biodiversity enhancement is acceptable.

On balance the proposal would be acceptable subject to timescale related conditions.

Any remaining unauthorised works will be investigated following the planning decision.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

Date: 19th July 2022

Further Information

Should you have any queries in respect of this application report, please contact in the first instance:-

Gillian Boulton (Case Officer) on 07872100530

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.

2. The facing and roofing of the development shall be constructed in accordance with the details shown on the approved plans and shall be so retained thereafter.

3. A scheme of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority within one month of approval being granted. The scheme so approved shall then be implemented within a further one month and shall be retained thereafter.

4. Within one month of the date of this permission details of one long lasting barn owl nest box shall be submitted to and approved in writing by the Local Planning Authority. The barn owl nest box shall be installed within 1 month of the details so approved and shall be so retained thereafter.

5. A scheme of sound insulation for any plant and machinery to be used on the premises shall be submitted to and approved in writing by the Local Planning Authority within one month of approval being granted. The scheme so approved shall then be implemented within a further one month and shall be retained thereafter.

6. Within one month of the date of this permission full details of the surface water and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented within a further 2 months and retained thereafter.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.

2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with policies BE1, E16 and NE12 of the Replacement Calderdale Unitary Development Plan.

3. In the interests of amenity and to ensure compliance with policies EP5 and EP8 of the Replacement Calderdale Unitary Development Plan and paragraph 185c of the National Planning Policy Framework 2021

4. In the interests of biodiversity enhancement and to ensure compliance with Policy NE17 of the Replacement Calderdale Unitary Development Plan and paragraph 179 of the National Planning Policy Framework 2021

5. In order to protect aural amenity of neighbouring properties and to ensure compliance with policy EP8 of the Replacement Calderdale Unitary Development Plan and sections 8c, 174e and 185a of the National Planning Policy Framework 2021

6. To ensure proper drainage of the site and to ensure compliance with policies EP20 and EP22 of the Replacement Calderdale Unitary Development Plan.