

Report to Planning and Licensing Committee



Date of Meeting	5th November 2020
Portfolio	Councillor Carol Wardle, Cabinet Member for Planning, Development & Housing
Report Author	Michael Atkinson-Smith
Public/Private Document	Public

Application: 20/00411/AGR	Township: Heywood	Ward:
Appeal Reference: APP/P4225/W/20/325924		Decision level: Fully Delegated
Site Address: New Birtle Farm, Birtle Road, Birtle, Bury BL9 6UT		
Proposal: Application for prior approval for the erection of an agricultural building for the storage of agricultural machinery and equipment		
Applicant: Mr M. Tindale		Agent: Mr Steven Hartley
Planning Inspectorate Decision: Appeal Dismissed – 28 September 2020		
<ul style="list-style-type: none"> – The Inspector noted the Council’s concern with respect the definition of a ‘separate’ land parcel and contested the established view that a separate land parcel (as defined by the Rural Land Registry Land Parcel Records) related solely to the extent of each individual defined parcel. – The Inspector took into account two court decisions that were provided by the appellant and considered that the physical and functional relationship between separate land parcels was sufficient to conclude that they were not distinctly separate, but indeed therefore contiguous, in effect removing any definition of a ‘land parcel’ and leaving it open to judgement. – The Inspector agreed with the LPA, however, that insufficient evidence had been provided within the application to demonstrate that the development would be reasonably necessary for the purposes of agriculture. – The LPA questioned the age of the 2006 holding registration document relating to a flock of sheep which were not present at the time of the case officer’s site visit, but the Inspector found no reason to contest the appellant’s came that such a document requires renewing on a regular basis. – However, the Inspector noted that the holding registration document did not expressly refer to the area of land of the NGF numbers the holding relates to, and no detailed evidenced of current activities that would constitute an existing trade of business in relation to hay making and cattle farming that appear to be historic. – On this basis, the Inspector concluded that they were unable to find that the agricultural land met the requirements of Schedule 2 Part 6, Class A of the Order, and that the building would be reasonably necessary for the purposes of agriculture. As such the agricultural building would not be permitted development under Schedule 2 Part 6, Class A of the GPDO and the Inspector dismissed the appeal. 		