

DELEGATED REPORT

Report by Helen Pressley	Date of report: 11/03/2025	Ref: 71469/FUL
Registration: 21/01/2025	LDFC: 28/02/2025	Expiry Date: 18/03/2025
Site Visit: 28/02/2025	Site Notice: 07/02/2025	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey extension at rear and raised patio

Location: Brook Bottom Farm, Bury Old Road, Shuttleworth, Ramsbottom, Bury, BL0 0RZ

Description

The application relates to a detached dwellinghouse on Bury Old Road. The site is accessed from Bury New Road with parking located to the north of the detached property. The site is located within the Green Belt. The site is currently utilised for various different uses which do not benefit from planning permission including holiday lets, and businesses within the existing outbuilding.

Planning permission is sought for the construction of a 1.5 storey rear extension that projects approximately 9.6 metres from the rear elevation of the dwelling. Permission is also sought for a raised patio to the west and south of the proposed extension.

This application would not address the use of part of the dwelling as holiday lets, or the other uses within the site. The proposed alterations have been completed and the application is therefore retrospective.

Relevant Planning History

02040/E - Erection of detached dwelling - Enquiry completed 17/10/2017

02990/E - Single storey house extension, beauty salon, 5 holiday lets and associated facilities - Enquiry completed 05/09/2024

64744 - Lawful development certificate for a proposed detached outbuilding - Refused 02/12/2019

65025 - Erection of outbuilding - Approve with Conditions 18/02/2020

65601 - Single storey at rear & raised patio following removal of existing kitchen - Withdrawn by Applicant 24/08/2020

71297 - Variation of condition no. 2 (approved plans) following approval of planning permission 65025: (Erection of outbuilding) - alterations to the fenestration of the existing outbuilding - Approve with Conditions 16/12/2024

20/0004 - Unauthorized development following refusal of LDC - 20/12/2019

23/0033 - Change of use of dwelling to 5 no. holiday lets and spa - 10/04/2024

Publicity

Site Notice posted 7th February 2025.

No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

OL1/2	New Buildings in the Green Belt
H2/3	Extensions and Alterations
JP-G9	The Green Belt
JP-G1	Landscape Character
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (Green Belt)

Paragraph 153 of the NPPF states that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC 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.

Paragraph 154 of the NPPF states that the construction of new buildings in the Green Belt should be regarded as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories is inappropriate development and will only be permitted in special circumstances.

PfE Policy JP-G9 - The Green Belt confirms the extent of the Green Belt within the Borough and confirms the five purposes of including land within the Green Belt. The beneficial use of the Green Belt will be enhanced where this can be achieved without harm

to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high quality green spaces that will support economic growth.

The site was previously a dwelling house with a cattery business within the grounds. The dwelling had a single storey rear extension and single storey side conservatory extension that have subsequently been removed.

The Framework does not define what a disproportionate addition would be. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement but the overall size of the building (either in terms of footprint, floorspace or volume) is clearly an important factor. An original building, the Framework explains, is a building as it existed on 1 July 1948 or, if it was constructed after that date, as it was built originally. Policy OL1/2 of the UDP and guidance in the accompanying SPD8 seek to protect the Green Belt by limiting the increase in size to up to a third of the volume of the original dwelling.

The original building, as the property was in 1948 appears to be limited to the farm house, with the exclusion of the removed kitchen extension and conservatory. The submitted planning statement acknowledges that the proposal would exceed the increase of a third, with a volume of approximately 500 cubic metres more than the original dwelling, and the extensions that have been subsequently removed. As such the proposal would lead to an extension that would exceed the limits set out within SPD8.

It is acknowledged that there was previously an extension to the rear of the farm house however this has been replaced within an extension that is higher, and has a larger footprint. As such whilst the loss of conservatory is a factor this would not help to reduce the spatial impact of the development within the Green Belt a case for VSC will be needed. The applicant has submitted a Planning Statement, photographs and 2x applicant statements to support their case for VSC.

The applicant has put forward a case that is based around the impact of the proposed extension in visual terms. Long range photographs have been submitted by the applicant in support of the application that demonstrate that the extension is largely screened from public views when viewed from Bury Old Road in particular. Views from public footpath 177RAM (Hollins Lane) that runs along the south of the site have also been included that show that there are limited views of the site at the junction of Bury Old Road/Hollins Lane but that the site is largely screened from this public view point. Photographs of the dwelling prior to demolition of the previous rear extension, and conservatory have also been submitted and indicate that the visible element of the rear extension that can be viewed from Bury Old Road would largely replicate the amount of development that would have been visible when the previous single storey kitchen extension was in situ. The visual impact of the proposal within the public realm would therefore be limited to glimpses, in association with an existing dwelling that was previously extended to a similar depth.

The applicants have also submitted a supporting statement detailing the dilapidated state of the former extension that led to its removal. This statement confirms that the proposed extension does not extend any further than the extension that it replaces, but it was widened to allow construction of the roof so that it did not interfere with the visual flow of the building when viewed from key vantage points.

The applicants have also stated that the new kitchen extension has been utilised to provide additional living accommodation for the applicants following conversion of part of the original dwelling to holiday lets. Limited weight however is given to this case as the applicant's could stop the holiday lets building and still retain the proposed extension in its as built form.

The materials used for the proposed extension match those of the original dwelling and are therefore considered to be acceptable.

The raised patio area wraps around the west and south of the extension, and steps down the slope to the south replicating the topography of the site. The patio would be viewed in relation to the existing dwelling, and proposed extension and would not detract from the character of this established residential unit.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics are their openness and permanence. The openness of the Green Belt has a spatial as well as a visual aspect, so the physical and visual presence of built forms may affect openness and this is the case that has been presented by the applicant in support of the proposed extension and patio area.

Whilst the proposal would lead to an extension that has a larger footprint than the extension it replaced, the context of the existing dwelling in terms of comprising of a two storey dwelling that fronts Bury Old Road, with an extension to the rear would be retained. The ridge height of the existing dwelling would be retained, and the ridge of the proposed extension would be lower than the main dwelling giving an impression of subservience. Given the above matters and the case presented, it is considered that these points do amount to very special circumstances and given the nature of this particular scheme, the site and its context in accepting the development, it is considered that it outweighs the in principle harm to Green Belt.

The proposed site is an established large residential property. The proposal would not conflict with the surrounding land uses nor would it create harm to the openness of the Green Belt given the above circumstances. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and therefore it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

Layout and Design

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The layout and design of the proposal has largely been addressed above however, as well as being set within the Green Belt the site is also located within the Landscape Character Areas Knowl and Rolley Moors, Fringes and Foothills and the Pennine Foothills (West/South Pennines) as identified under PfE Policy JP-G1.

PfE Policy JP-G1: Landscape Character Area states that development within a Landscape Character Type should reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location, including having regard to:

- Topography, geology and drainage;
- Land use and field patterns;
- Semi-natural habitats and woodland cover;
- Archaeology and cultural heritage;
- Settlement, road pattern and rights of way; and
- Views and perceptual qualities.

The views of the proposal, in terms of the Green Belt have been assessed above and is considered to be acceptable in relation to Policy JP-G1. The proposal would not lead to any encroachment outside of the established residential boundary of the site and the extension and patio are viewed within the context of an existing dwelling.

The proposed materials replicate those within the original dwelling and the window and door openings are considered to be suitably aligned. The ridge of the proposed extension would

be lower than the ridge of the original dwelling, and would allow for the original catslide style roof to still be visible. The proposed extension and raised patio would not overwhelm the original dwelling or lead to overdevelopment of the associated residential amenity space.

It is therefore considered that the proposal would be in compliance with the policy considerations set out above and would not have a detrimental impact on the host dwelling, or the landscape character area in which it is sited.

Amenity

Given the location of the site no residential amenity issues are foreseen.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings numbered Location Plan received 30th December 2024, PL110 A2, PL100 B, LF/AD/3501, BB-TOPO-001 A and BB-TOPO-002 A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	11/03/2025	HL	11/03/2025