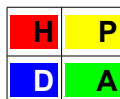


**Planning application for a replacement dwelling at Burnt House Farm, Turton
Road, Tottington, BL8 3QF**

Planning Statement



May 2022
Prepared by Hartley Planning and Development Associates Ltd

Planning history

Burnt House Farm is a detached building which has previously been damaged by fire. Since then, the current owner has carried out repairs including a temporary roof and other internal work.

The building is in the Green Belt

The current application

The current application is for the demolition of the building and its replacement by a new dwelling of similar height and volume on the same site

The Main Issues

The main issues are (i) whether the proposal is inappropriate development in the Green Belt including the effect of the proposal upon the openness of the Green Belt; (ii) the impact upon the character and appearance of the area and (iii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify development .

Inappropriateness

Policy OL1 of the Bury Unitary development Plan 1997 (UDP) aims to maintain the Green Belt in order to achieve 5 purposes including, amongst other things, the restriction on urban sprawl, to prevent the merging of urban areas and to protect the countryside, and *‘to assist in urban regeneration, by encouraging the recycling of derelict and other urban land’*

Paragraph 147 of the National Planning Policy Framework 2021 (the Framework) states that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’*. However, the Framework includes at paragraph 149 the following exceptions: to the above: -

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Pre application advice was sought from the local planning authority (LPA) on the basis that the use of the building as a dwelling had been abandoned following the fire. However, on further investigation this is not the case.

In the Hight Court case of the Trustees of Castell y Mynach V Secretary of State for Wales and Taff Ely Borough Council, four matters were considered to be important in the issue of abandonment, all of which have equal value and it is not necessary to consider all 4 favourably. The 4 matters were: -

- 1. The physical condition of the property.* (In this case the walls, up to roof level, remain)
- 2. The period of non-use* (The period is not so great as to amount to abandonment)
- 3. Whether there has been any other use* (There has not)
- 4. The owner's intension* (the fact that the owner has replaced the roof and carried out internal work is evidence that there has been no intension of abandonment.

Paragraph 149 (g) also allows as an exception, limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use), which would not have a greater impact on openness than the existing development; or would not cause substantial harm to the

openness of the Green Belt, where the development would re-use previously developed land.

In its pre application advice, the LPA considers that the site is previously developed land, and subject to issues of the scale, height, and footprint of the proposed new dwelling when compared to the existing property, it could be considered to be acceptable.

Paragraph 149(d) of the Framework contains the caveat the proposed building should '*not be materially larger than the one it replaces*'.

The existing building has a volume of some 390m³ whereas the proposed dwelling is 472m³, an increase of 20.5%.

The Council's New Buildings and Associated Development in the Green Belt Supplementary Planning Document 2007 (SPD) states that '*Where a replacement dwelling is proposed, the new dwelling should reflect the original dwelling in terms of massing, siting and area of footprint, height and should not be materially larger than the one it replaces. Any significant deviation from this would need to be justified as 'very special circumstances'. Calculations and workings of any increase in volume must be submitted with your planning application. In general terms, the Council may allow the original volume to be increased by up to a third as part of a proposal for a replacement dwelling*'.

Thus, the proposed building would not be materially larger than the one it replaces and would not have a greater impact upon openness than the current building.

Similarly, the proposed development would have no significant greater impact upon openness in relation to paragraph 149(g) concerning the reuse of previously developed land.

In the case of *Turner v Secretary of State for Communities and Local Government* and *ANONR* (2016) the judge concludes at paragraph 14 that the concept of openness of the green belt is not narrowly limited to a volumetric approach. *The word openness is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case'*

(Paragraph 15) *'The question of visual impact is implicitly part of the concept of "openness of the Green Belt" as a matter of the natural meaning of the language used in para. 89 of the NPPF'*.

In this instance, and for reasons expressed below, the proposed replacement dwelling would have no significant visual effect upon openness

As the proposed development would conform to the exceptions to Green Belt policy in paragraphs 149(d) and (e), to the caveats relating to openness, both dimensionally and visually, it would not be inappropriate development. It would also accord with the SPD.

Character and appearance

The area is characterised by open fields with a scattering of mainly stone built, two storey buildings and with a scattering of deciduous trees and copses.

The area immediately around the application itself shows signs of previous use with some tipping and overgrown areas. In general, these do not, including the appearance of the existing Burnt House Farm, enhance the character and appearance of the area as a whole

The application site is within a defined 'River Valley' in the UDP and where policy OL5/2 states that Green Belt policy will apply. In addition, it is within the West Pennine Moors area and where UDP policy OL7/2 aims to manage recreational activities and public access with regard to the effect upon, amongst other things, landscape character.

The access track leading to and past Burnt House Farm is a statutory footpath. There is no intention to block or divert it.

The site has views towards Hawkshaw and the Pennine moors beyond and while such views are attractive, the area does not have any specific landscape character protection.

The replacement dwelling would have the characteristics of a Pennine farmhouse: -.

1. External walls to be reclaimed natural local stone with stone quoins
2. Roof to be natural blue slate
3. Incorporation of a traditional chimney stack
4. A limited garden area simply landscaped and fenced.
5. Two stories in height and with a double pitch roof

The dwelling would sit partly on the footprint of the existing building but slightly off-set to avoid being directly underneath the existing electricity network.

For the above reasons, the proposed development would enhance the character and appearance of the area and would accord with chapter 12 of the Framework which requires good design which is in keeping with the character and appearance of the area

Very Special circumstances

As we consider that the proposed development is not inappropriate in the Green Belt there is no need to show very special circumstances (VSC) which would outweigh any harm to the openness of the Green Belt. However, there are such VSCs

1. It is our contention that the existing Burnt House farm has not been abandoned as a dwelling. If that is the case then the existence of an

existing dwelling on the site, to be replaced, represents a material planning consideration.

2. If it is not accepted that the existing Burnt House Farm is still a dwelling, the proposed development would still be not inappropriate in the Green Belt under paragraph 149 (e) of the Framework relating to previous developed land. The LPA cannot demonstrate a 5-year supply of deliverable housing land. The proposed dwelling, in a small way, would help to meet a housing need (We accept that a lack of a 5 year supply cannot generally justify, on its own, development in the Green Belt which would not meet any of the exceptions, but where such development does meet one of the exceptions, as in this case, the lack of a 5 year housing supply constitutes a material planning consideration.

Conclusion and Planning Balance

The proposed development would not be inappropriate in the Green Belt. The replacement dwelling would be in keeping with the character and appearance of the area and would enhance the current somewhat dilapidated appearance of the immediate site. The lack of a 5-year supply of deliverable housing land stands in favour of the proposed development.

The construction of the dwelling would provide work, probably for a local builder at a time when the Government is concerned that small sector builders are being excluded from the house construction sector and are encouraging LPAs to make available such sites.

For all of the above reasons we consider that the application should succeed