



Development Management
Bury Council
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Our Ref: MJ/RG/G315/L001
Date: 25 May 2022

Dear Sir / Madam

HOLLYMOUNT FARM, HOLLYMOUNT LANE, GREENMOUNT, BURY, BL8 4HP
PROPOSED 2 STOREY EXTENSION OF EXISTING FARMHOUSE; CONVERSION OF BARN TO FORM DWELLING (WITH ASSOCIATED ADAPTATION, DEMOLITION AND EXTENSION); DEMOLITION / CLEARANCE OF ALL OTHER STRUCTURES AND ERECTION OF 4 NEW-BUILD DWELLINGS; ALL 6 DWELLINGS TO BE PROVIDED WITH GARAGES, CAR AND CYCLE PARKING, BIN STORES, COMMUNAL AND PRIVATE CURTILAGE / GARDENS; EARTH / EXCAVATION WORKS TO RECONFIGURE LEVELS; HARD AND SOFT LANDSCAPING; RECONFIGURED ACCESS ARRANGEMENTS; INTRODUCTION OF 2 PASSING PLACES AND NEW / EXTENDED TRAFFIC CALMING SPEED HUMPS, AND REPAIR OF EXISTING PASSING PLACE ON HOLLYMOUNT LANE

On behalf of Jeremy Buckley, we are pleased to submit this application seeking full planning permission for the development described above (explained in more detail in the accompanying Design and Access Statement / drawings).

The Site and Context

The site comprises a collection of buildings / structures that were historically used for agricultural purposes, including the main farmhouse, a connecting barn, a detached prefabricated home, storage containers, and a series of unsightly large utilitarian buildings and a large 'apron' of concrete hardstanding.

The farm ceased operating a decade or ago, and since then the site has been used for the *ad hoc* storage for construction equipment. The LPA described the site as previously developed land in its recent pre-application advice (as summarised later).

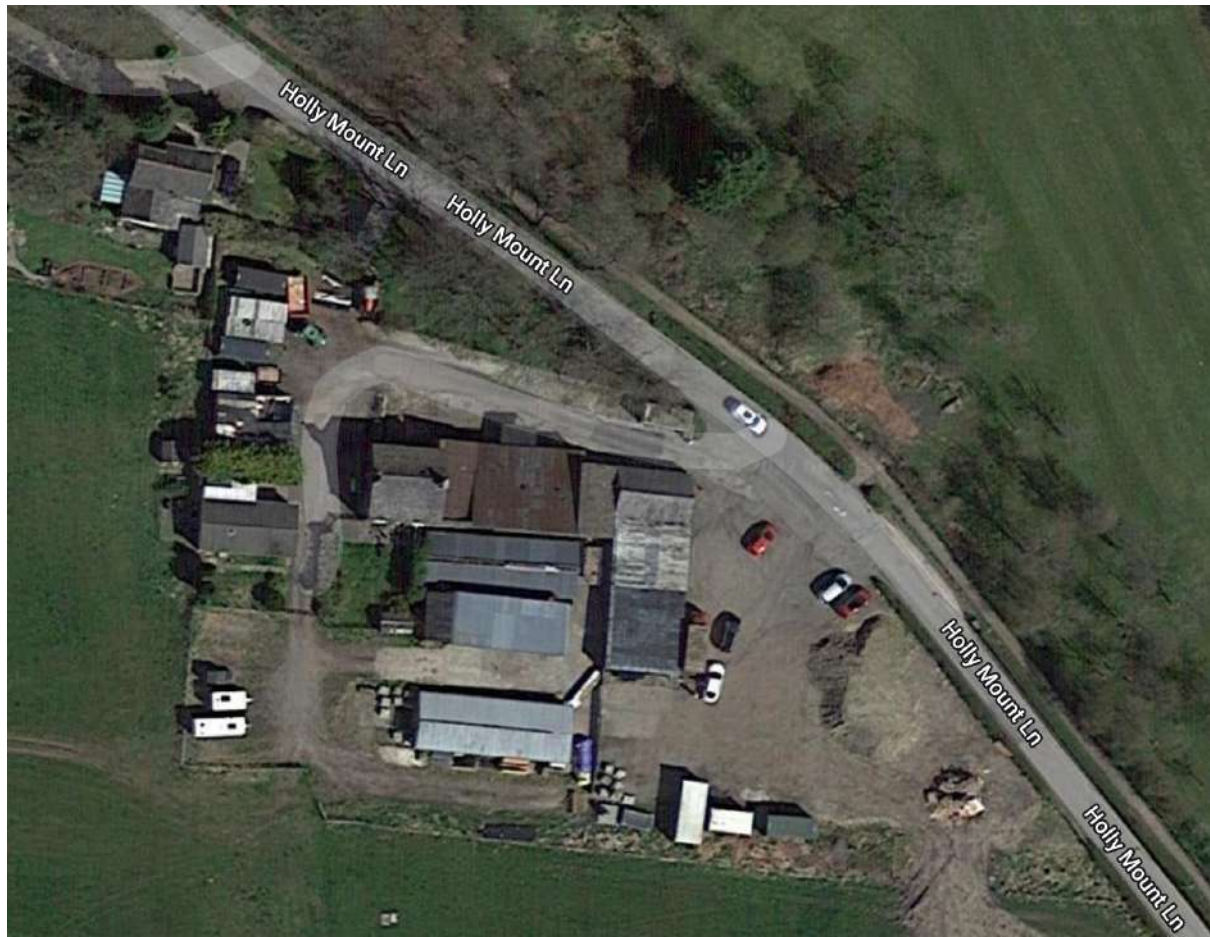
None of the buildings are listed (nationally or locally) and none are worthy of such distinction. Nor do we believe that they appear on Bury Council's draft 'Local List'. While the original farmhouse and barn possess a degree of charm, they are not remotely special or unduly characterful, and are typical of many such structures found in Bury and elsewhere in the UK.

As noted, the series of outbuildings and prefabricated house are unattractive, bland, soulless and in parts quasi-industrial in appearance, and the very large concrete hardstanding and numerous



industrial storage containers is/are entirely unattractive and we suggest harmful to what is otherwise a pleasant, quasi-rural part of Greenmount.

The application site includes a section of Hollymount Lane (and adjacent land), all of which is owned by the applicant. The lane leads from Greenmount Road, past the main application site, and up to a small settlement and Holly Mount Primary School.



Recent Planning History

Certificate of Lawfulness ref: 53930

Existing use of site for siting of a mobile home in breach of condition no. 3 of planning permission 28271/93.

Approved on 17th June 2011

Application 54376

Demolition of 4 barn buildings and conversion of redundant agricultural buildings to form 3 dwellings including reconstruction of external walls and raising of roof.

Withdrawn by applicant on 18th October 2011.



Application 54962

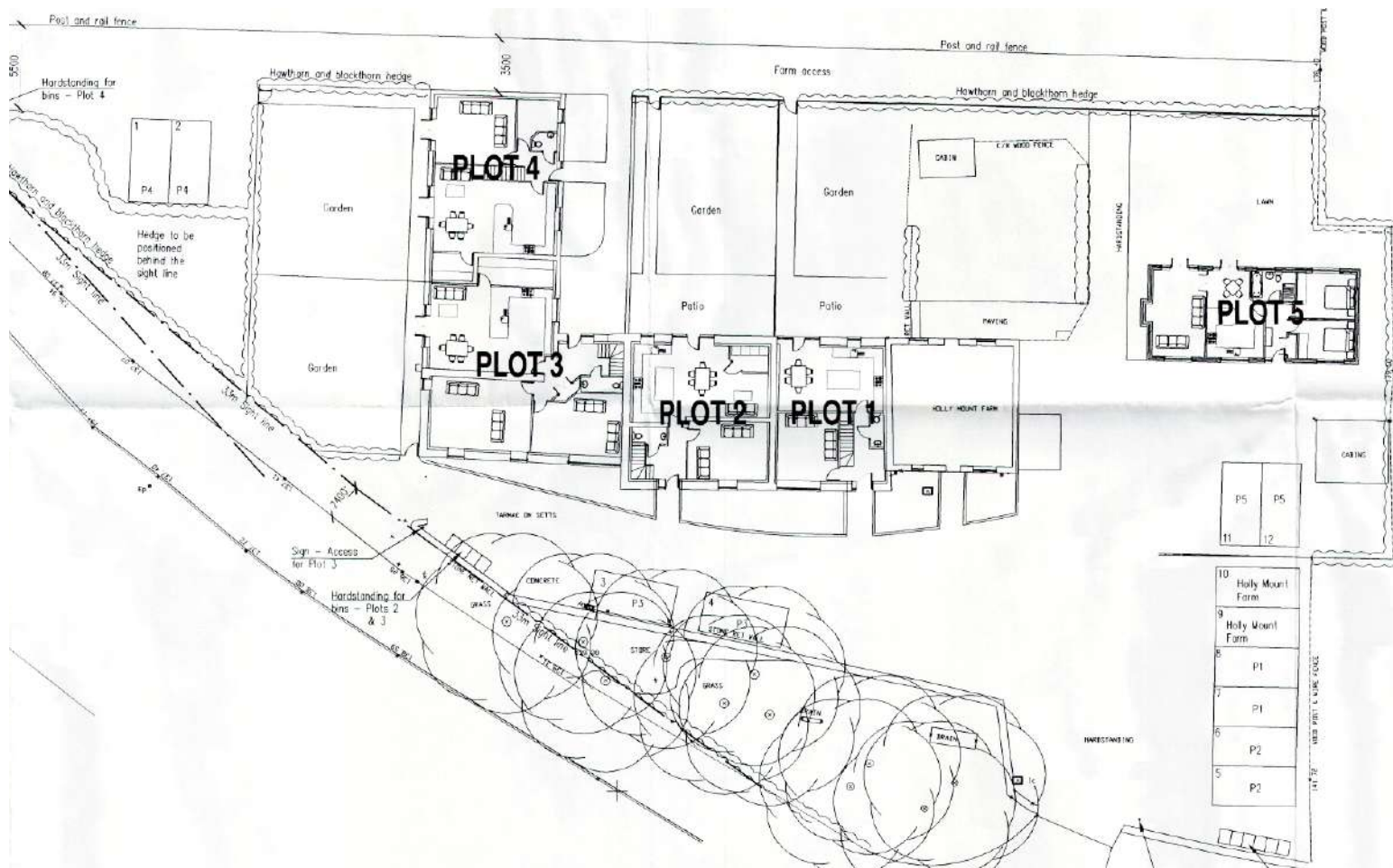
Demolition of 4 barn buildings & conversion of redundant agricultural buildings to form 3 dwellings, including reconstruction of external walls & raising of roof (Resubmission of 54376)
Refused on 15th June 2012.

Application 59078

Conversion of farm buildings into 4 no. residential units and replacement of mobile home with a permanent dwelling. Withdrawn by applicant on 18th January 2016.

Application 60437

Conversion of farm building into 4 no. residential units; demolition of the other farm buildings and replacement of mobile home with permanent dwelling (as per the site plan reproduced below).
Approved on 28/09/2016.

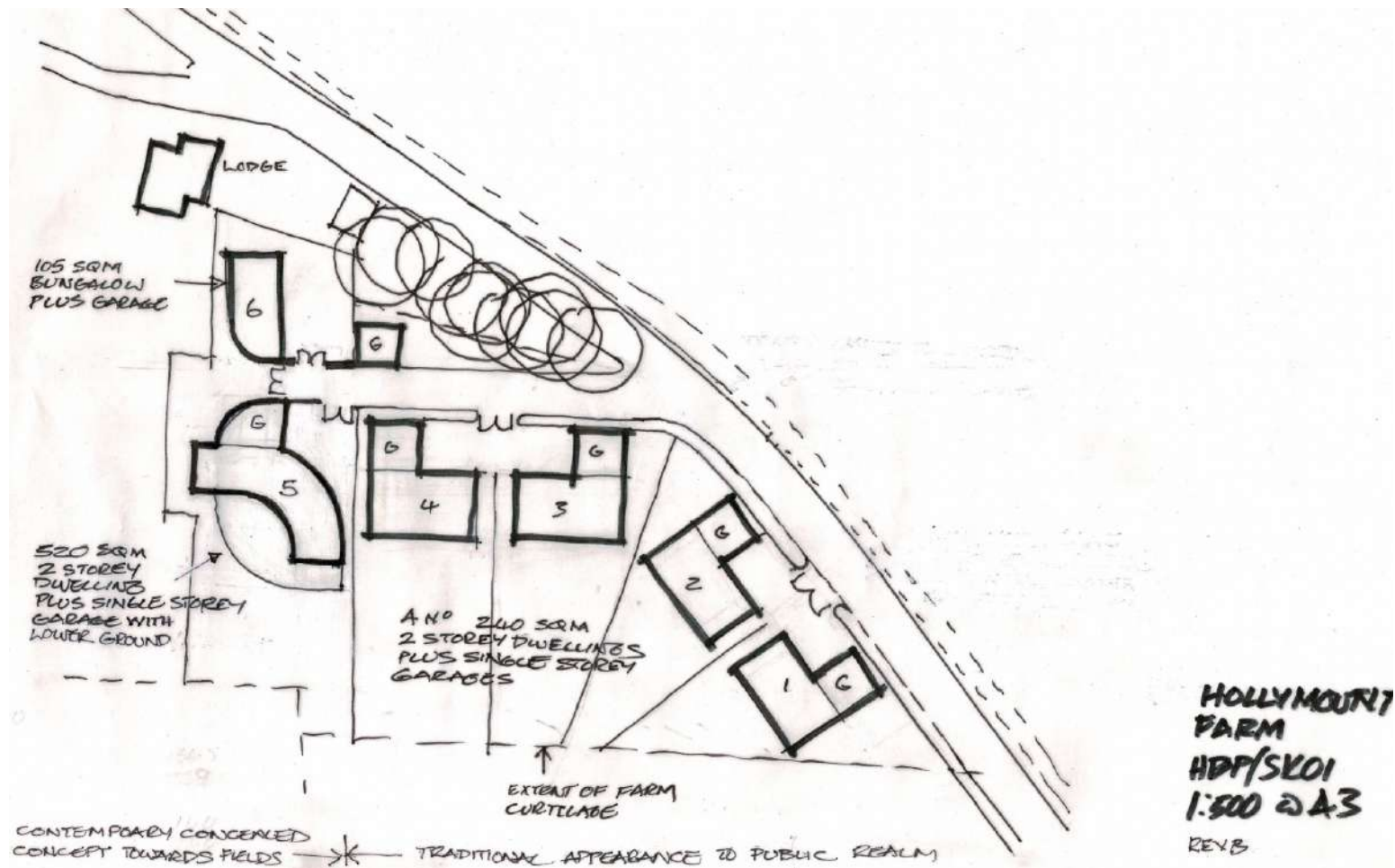




Recent Pre-Application Correspondence

The Applicant requested pre-application feedback from the LPA in late 2021. The LPA's response was set out in its letter dated 7th January 2022 (ref: 02650E).

The pre-application request was based on a proposal to demolish all buildings on the site and erect 6 dwellings with associated garages, gardens and access arrangements, as indicated on the sketch layout below.



It was suggested that plots 1-4 would be constructed in a traditional farmhouse style given that these would be readily visible from Hollymount Lane, while plots 5 and 6 would be of more contemporary style as those would have been largely concealed from wider public view.



The pre-application proposal presented the following 'before and after' floorspace / volumetric calculations :

Existing total area - 1301.5 sqm
Proposed total area - 1801 sqm
(Comprising 4 no plots 1-4 of 276 sqm inc. garage; plot 5- 556 sqm inc.garage; plot 6- 141 sqm inc.garage)

Existing total volume - 5560.1 cu m
Proposed total volume - 8335 cu m
(Comprising 4 no plots 1-4, of 1550 cu m inc. garage; plot 5-1660 cu m inc. garage & plot 6 -475 cu m inc. garage)

Existing height -7.497m
Proposed height-7.5m

The above figures suggested an increase in built volume equating to 50% over and above the existing.

The LPA's pre-application letter noted the above figures, and acknowledged that the proposal would involve re-development of previously developed land, and as such para 149 g) of the NPPF is relevant, the key test being whether there would be a greater impact on openness than currently exists. The letter noted that the comparative area and volume calculations demonstrate the proposed development would be significantly larger in terms of footprint and scale, and as such there would be a greater impact on the openness of the Green Belt. It was therefore suggested that that proposal would be contrary to para 149(g) of the NPPF, and that 'Very Special Circumstances' (VSCs) would be required to outweigh harm caused by reason of inappropriateness.

The letter continued, that (aside from being considered inappropriate in terms of greater impact), any planning application will need to be sensitively designed and appropriate to the 'special character' of the area.

In addition, in considering a case for the redevelopment of the whole site, the letter suggested that the existing farmhouse / cottage are already inhabited / habitable, and that a case should be made to justify their demolition. Similarly, it was suggested that some of the barn/outbuildings are capable of conversion (with potentially extensions). Attention was drawn to the Structural Report that had been submitted for previously approved application 60437, which confirmed that these buildings were capable of conversion.

The letter suggested that this ought to be the starting point for the carrying out of any development on the site, and that the conversion/re-use of buildings in the Green Belt ought to be considered before new build.

In response to the above, it is worth noting that nowhere in the NPPF (or in any local policies) is there any suggestion of such a 'sequential' approach to development in the Green Belt. While it is accepted that there *may* be certain circumstances where it may be deemed preferable to convert existing building as opposed to their demolition – for example, if the buildings in question are particularly attractive or characterful, or form an important part of a conservation area (neither of



which applies in this case) – there is no distinction or attempt to prioritise the paragraph 149 and 150 exceptions. Development is either appropriate in the Green Belt, or it is inappropriate.

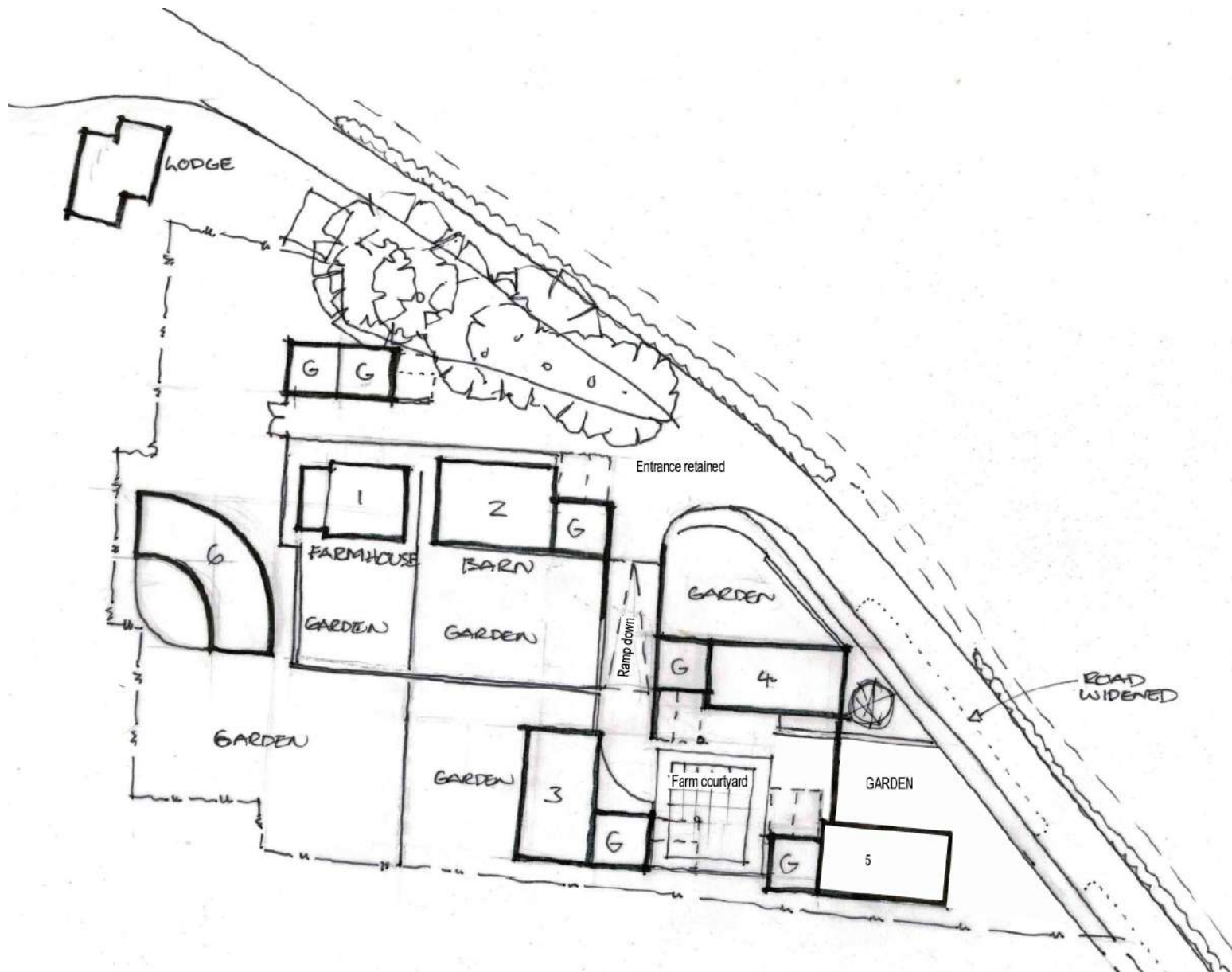
Notwithstanding that, in response to the comments in the pre-application letter, on 19th January 2022, Hawthorn Design Partnership emailed the LPA to advise that the scheme had been adjusted as below:

- to reduce the volume of the proposed development; and
- to retain and extend the farmhouse; and
- to retain and extend the barn (and convert into a house); and
- to erect just 4 new-build properties (as opposed to wholesale demolition and complete redevelopment for 6 new-build houses).

It was explained that the above adjustments would equate to an 11% increase in built volume (from 5,560.1 cubic metres to 6,169 cubic metres).

Furthermore, Hawthorn confirmed that the development would provide a 25% reduction in built / hardstanding footprint, from 1,301.5 sqm to 976 sqm.

It was also explained that the new-build dwellings adjacent to Hollymount Lane had been redesigned to offer the appearance of contemporary version of a traditional farm courtyard arrangement, at a lower level than the main farmhouse (using the natural fall in topography) resulting in an approximate courtyard level of 136.70 sqm compared to the existing farmhouse external level of 138.95 sqm. It was suggested that the proposed courtyard arrangement would conceal the parking from the wider public realm, which was presented as a benefit of the proposal. The sketch plan on the following page shows the pre-application proposal at that stage.



The LPA responded by email on 1st February 2022 as below :

'Further to the revised plans you sent on 19th January, some additional comments to make.

In principle, this looks to be a better arrangement and scale of development by the reduction in footprint and volume and also the retention of the existing farmhouse and barn.

That said, you will still need to demonstrate Very Special Circumstances given size and height increases and also locating some buildings/built form where there are currently none on the site.

In terms of the PRoW, the Officer notes that there will be additional vehicles using the junction that joins a public right of way which may add to the traffic at school start and end times in particular. Questions which would need to be answered in an application is why the widening is



deemed necessary and how will it be tied in with the existing width, will the PRow be affected and do the proposals meet the general requirements for a junction by motorised vehicles?

The Highway officer has reiterated that a detailed topographical survey based site plan that also addresses the loose ends from the previous approval will need to be submitted.'

The Application Proposal

The development promoted by this application reflects in large part the adjusted scheme that was presented at pre-application stage, albeit with notable adjustments to further respond to the pre-application comments.

It retains both the existing farmhouse (with an extension) and the adjacent barn, which is to be converted into a house.

The remainder of the site is to be demolished / cleared, and replaced with 4 new-build houses. The structures to be demolished are unsightly and harmful to visual amenity. They may be of permanent and substantial construction, but they are far from ideal for conversion into quality homes. The existing very large expanse of concrete hardstanding is harsh and harmful to visual appearance.

In terms of comparative development figures, the table below confirms these.

	Existing	Proposed	Increase / decrease	% increase / decrease
Built Footprint / hardstanding area	4,640 sqm	2,766.7 sqm	Reduction of 1,873.3 sqm	Reduction of 31.21%
Built volume	5,560.1 cu m	5,811.2 cu m	Increase of 251.1 cu m	Increase of 4.5%

It will be noted that the proposed built volume will be just 4.5% larger than the existing volume.

In consideration of the extension to the farmhouse, a 25.06% increase in built volume is proposed.

A 31.21% reduction in built footprint / hardstanding is proposed.

The proposed new-build homes will be constructed using the best quality materials, and – crucially – we suggest will be more respectful of, and sympathetic to, the local context / landscape. We anticipate that the LPA will attach considerable weight to these design matters.

We also anticipated that the LPA will welcome the careful attention to landscaping details, as presented in the work of Square Yard. This aims to provide a natural buffer to the southern and



eastern boundaries to create screening from the open countryside. The southern boundary is to be formed with a native hedgerow to reflect natural field boundaries in the adjacent landscape.

Native trees are proposed in clusters, with swathes of native understorey shrubs to provide habitat and mimic natural tree copses evident in the adjacent landscape. These trees will provide some natural screening to break views of the facades and soften the build form into long range views. Species have been selected to be predominantly native and where not native to provide foraging for pollinator species and fruit for birds. The landscaping information confirms that the following planting elements will be provided.

- 15 large trees
- 20 smaller specimen trees
- 75 large specimen shrubs
- around 2,000 amenity shrubs
- 120 sqm of wildflower meadow / lawn

The proposal also includes the creation of two new passing places along Holly Mount Lane. This section of road is narrow, and while it is capable of accommodating 2 way traffic, it is far from ideal and not ideally suited for doing so. Site observations have shown that school traffic movements are significant, and creating queueing the lane as vehicles wait to exit onto Holcombe Road.





The proposed passing places will assist in relieving some of the above pressures / conflicts, and we trust this commitment and the gifting of land by the Applicant for the benefit of all users of the lane will be welcomed by the LPA.

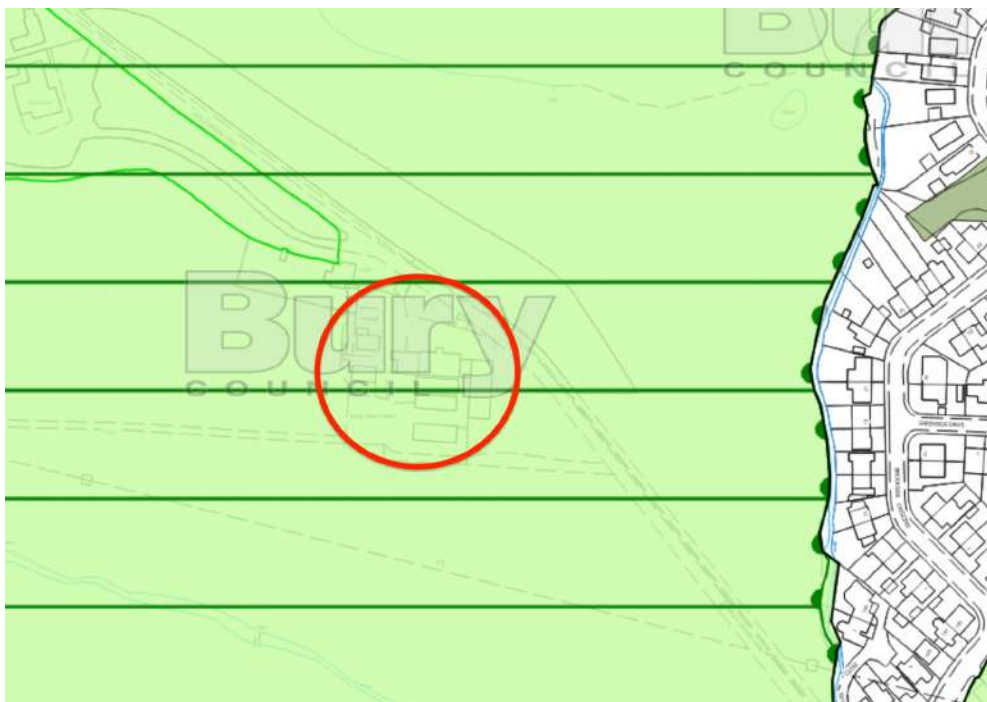
Green Belt and Policy Considerations

The Development Plan

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan, unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

For the purposes of this application, the Development Plan is the Bury UDP (adopted 25 years ago in August 1997).

An extract from the online UDP Policies Map is reproduced below.



The site is located within both the Green Belt and a Special Landscape Area. It is also within the West Pennine Moors designation.

UDP Policy OLI (Green Belt) seeks to maintain the Green Belt, ensuring that it fulfils the following strategic purposes:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;



- c. to assist in safeguarding the countryside from further encroachment;
- d. to preserve the setting and special character of historic towns;
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Neither the new / replacement buildings nor the extended farmhouse will result in harm to any of these purposes. It will not result in 'unrestricted sprawl'. It will not result in any 'merging' of towns. It will not result in encroachment beyond the existing built footprint / hardstanding. It has no implications for any historic town, and it has no bearing on urban regeneration that might take place elsewhere.

Indeed, the removal of what might be perceived as eyesore structures, and their replacement with buildings of excellent design quality, constructed from sensitive, good quality materials and considerably enhanced landscaping, will assimilate far better within the landscape / Green Belt, delivering visual enrichment over and above the existing situation. There is therefore no conflict with Policy OLI.

UDP Policy OLI/2 (New Buildings in the Green Belt) states that the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one of four purposes. In the case of this proposal, the relevant 'exception' is :

'limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces.'

The above policy is not consistent with the NPPF in that it relates solely to the replacement of dwellings (as opposed to the replacement of non-residential buildings and / or the redevelopment of previously developed sites). That inconsistency is important, but - setting it aside - the proposed increase in size / scale in this case is very modest and we suggest that cannot be adjudged to be 'materially larger' than the structures to be replaced. We noted earlier that the proposal is only 4.5% larger in volumetric terms. We therefore contend that the proposal falls to be classed as 'appropriate' development in the Green Belt.

Policy EN9/1 (Special Landscape Areas) states that any development will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

Again, we contend that the proposal is consistent with this policy. The buildings proposed to be demolished / replaced are of poor quality and unattractive, and in those terms might be considered harmful to the setting.

The replacement buildings (houses) have been designed in sensitive fashion, intended to nestle neatly and blend discretely into the rural setting, using natural, high quality, traditional materials and form.



The appearance of the dwellings has been influenced by the agricultural context and associated robust / and rustic structures in this part of Bury.

One of the proposed dwellings (Plot 6) is arguably less traditional, presented as a curved contemporary single storey dwelling, which will be largely concealed from Hollymount Lane by the garage of the adjacent dwelling and the existing farmhouse with its extension and boundary walls. This unit will be constructed in a mixture of split faced and smooth natural stone walls with cream rendered chimneys (as a contrast) with a 10 degree shallow pitched grey standing seam roof.

We commend the excellent design quality, style and materials to the LPA, and hope that the visual improvements that will arise will carry significant weight in the determination of the application. In these terms, the proposal will deliver positive benefits to the *Special Landscape Area*, and is in accordance with Policy EN9/I.

For the same reasons, the proposal is consistent with **Policy EN1/I (Visual Amenity)**, which states that development will not be permitted which would have a detrimental effect on the visual amenity (both within, or viewed from) of areas of environmental interest, including the Green Belt and Special Landscape Areas.

Policy OL7/2 (West Pennine Moors) states that the Council will control development so as to reduce any possible detrimental effects on the important character of the area. It states that particular regard will be had to the effect on agriculture and forestry; water catchment; settlements; landscape character; ecological and geological features; archaeological and historic features.

For reasons set out above, the replacement buildings will be more respectful and in keeping with the West Pennine Moors. They will have no bearing on agriculture or forestry; they will not affect the water catchment; they will result in no harm to any settlement (quite the reverse); they will *enhance* landscape character; there will be no disturbance of any archaeological or historic features; and there will be no harm to any ecological or geological features.

In respect of ecology, we refer the reader to the separate Preliminary Bat Roost Assessment by Ecology Solutions. That report notes that, aside from the main farmhouse (which is to be retained), the buildings hold negligible suitability for roosting bats, given the lack of suitable roosting features. The report notes that 2014 surveys found roosting bats to be present in the main farmhouse building. That record was associated with a single Common Pipistrelle that was found to be roosting under a tile on the eastern gable end of the main farmhouse. An update survey was undertaken in September 2015, with no roosting bats identified within any of the buildings. The Ecology Solutions report notes that the proposed development includes the retention of the main farmhouse, with only the outbuildings scheduled to be demolished. The report also confirms that no nesting birds were found to be present within any of the buildings.

As noted earlier, the landscape scheme prepared by Square Yard includes features that will soften the proposal and enhance the biodiversity value of the site, and in that regard the application proposes the following :

- Significant new native tree and shrub planting



- Additional soft landscaping of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.
- Bird and bat boxes could be erected onto retained trees or onto new dwellings.

As such, it is anticipated that there will be net gains in respect of biodiversity.

Accordingly there is no conflict with **UDP Policy OL7/2**, which seeks to safeguard biodiversity, or **Policy EN6 (Conservation of the Natural Environment)**, which states that the Council will retain, protect and enhance the natural environment, particularly in relation to areas of ecological, wildlife and geological importance. Nor is there conflict with **Policy EN6/3 (Features of Ecological Value)**, which requires proposals to retain such features and incorporate them into development. In this case, no trees will be affected, and these will be supplemented with new hedgerow and other planting, of appropriate native species to enhance biodiversity.

The proposal is compliant with **Policy EN8 (Woodland and Trees)**, which supports the retention of trees. The scheme has been designed to prevent intrusion into Root Protection Areas, and that the development will not result in the loss of any trees.

The application is also compliant with **Policy EN8/2 (Woodland and Tree Planting)**, which encourages the planting of hedges, trees and woodlands using locally native species.

The new homes will be constructed as efficient, low energy dwellings, employing good solar orientation, highly insulated walls and windows to minimise energy loss, and carefully detailed construction junctions to minimise cold bridging and associated air loss. The application is therefore consistent with **UDP Policy EN4 (Energy Conservation)**, which confirms that the Council will welcome development which contributes to energy conservation in the Borough.

For the same reasons, the proposal is consistent with policy **EN4/2 (Energy Efficiency)**, which also encourages energy efficiency in development proposals through design and layout.

In view of the above assessment of the proposal against the most relevant policies, the Applicant contends that the application is in accordance with the development plan when considered in overall terms, and – furthermore - there are no material considerations that suggest that Section 38(6) ought not to be applied.

Indeed, as we explain below, material considerations lend *further* support for the proposal.

NPPF

The NPPF ('Framework') is an important material planning consideration, but it does not change the statutory status of the development plan as the starting point for decision making. Paragraph 2 of the Framework confirms :

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material



consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements”

NPPF §10 states that, at the heart of the Framework, is a presumption in favour of sustainable development.

§11 is very clear in stating that :

‘[planning] decisions should apply a presumption in favour of sustainable development.

where ... 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 [such as Green Belt] provides a clear reason for refusing the development proposed; 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 UDP is out of-date in some respects. For example, its policies on housing land supply and a degree of inconsistency with the NPPF’s Green Belt policies (as explained elsewhere).

The NPPF requires councils to ‘significantly boost’ housing supply and to maintain a minimum of 5 years supply (with an appropriate buffer) at all times. It sets out what types of development are ‘appropriate’ in the Green Belt. Bury Council cannot, at the point of this submission, demonstrate a 5 year supply.

The Framework (at §149) confirms that the following are ‘appropriate’ forms of development in the Green Belt:

- 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; and
- limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.

Furthermore, §150 confirms that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include :

- engineering operations (part (b)); and
- material changes in the use of land (part (e)).



This planning application that reflects the above exceptions, and is in turn an ‘appropriate’ form of development in the Green Belt.

The existing buildings have been surveyed to establish their precise dimensions, and the proposed increase in built volume equates to just 4.5%.

In spite of that very small increase, it is our contention that the better quality, more sensitive proposal is more in keeping with the Green Belt, its openness and rural context / character. The sizeable outbuildings currently dominate the site and are very visible from main public vantage points, and offer a crude and clumsy appearance that jars with the sensitivities of the landscape and has an appreciable impact on openness.

While a small uplift in built volume is proposed, and while it is acknowledged that houses will be located on part of the site that are currently devoid of structures, the height of the homes will be restricted. Site levels will be adjusted, such that – from most public vantage points – views will remain largely open, and gaps between the houses will assist in maintaining a sense of space and openness.

Volumetric comparison is of course only one way of assessing impact on openness. In the Court of Appeal case *Turner v. SSCLG* [2016] EWCA Civ 466, Sales LJ interpreted the concept of openness as one which was “not narrowly limited to [a] volumetric approach” but “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”

More recently, Lindblom LJ presiding over *R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council* [2020] UKSC 3 took matters further, stating :

“Whether, in the individual circumstances of a particular case, there are likely to be visual as well as spatial effects of the openness of the Green Belt, and, if so, whether those effects are likely to be harmful or benign, will be for the decision-maker to judge. But the need for those judgments to be exercised is, in my view, inherent in the policy.” [38]

“In my view, therefore, when the development under consideration is within one of the five categories of paragraph 90 and is likely to have visual effects within the Green Belt, the policy implicitly requires the decision-maker to consider how those visual effects bear on the question of whether the development would “preserve the openness of the Green Belt”. [40]

Those judgements have been reflected in recent appeal cases. For example, in part-allowing appeal APP/Z3635/W/20/3252420 (Bugle Nurseries, Shepperton, Spelborne) in July 2021, Inspector Hunter considered two proposals (Appeal A and Appeal B) and set out his thoughts on the proposed increase in built development and its visual dimension when assessing impact on the Green Belt. His comments in this regard are reproduced below.



27. In both instances, the appeal proposals, through the introduction of new buildings and associated infrastructure, would result in a substantial increase in the amount of built footprint on the site. Furthermore, both proposals would also be of a considerably greater height than the existing development and would extend across the full width of the appeal site.
29. In respect of Appeal B, development would be located away from the eastern boundary of the site, which would maintain the existing gap and sense of openness along Upper Halliford Road. The proposed dwellings would be taller than the existing buildings, structures and activities on the site. However, due to their design, height and their position within the site, along with the provision of new landscaping, the vast majority of the development would not be visible. Furthermore, car parking and the majority of the infrastructure would be contained within the site. Despite this, due to the increased amount of built form, the proposal would still have an urbanising effect and would therefore harm the character and appearance of the area. However, due to the design of the scheme, I consider this harm to be limited.
30. Therefore, in contrast to the current situation, the proposed developments would have a more permanent appearance, with a significant increase in built form, including the provision of residential paraphernalia and associated infrastructure. The effect of this would be considerably greater in Appeal A
34. Whilst Appeal B would extend across the full width of the site, due to the development being set back from the road, and the retention of the existing eastern elements, the overall effect of the proposal upon the identified Purposes of the Green Belt would not be sufficient to have an adverse effect on the Purposes.
38. In terms of Appeal B, as with Appeal A, the proposal would have a more permanent appearance than the existing development and would result in the site having a more urban and developed feel. However, due to its layout and additional landscaping, its visibility from outside of the site would be limited. Furthermore, the existing openness along the eastern boundary of the site would be retained, with the exception of a small area of land to be used for the access, although, given the proposed use, this would still retain a sense of openness. The proposal would also not conflict with the purposes of the Green Belt.
39. Overall, therefore, given its urbanising effect, the proposed development would harm the openness of the Green Belt. However, considering the above, this harm would be limited. As a consequence, given that the majority of the site would comprise previously developed land, and where it does not, the land would remain open, and that the proposal would meet an identified affordable housing need and it would not cause substantial harm to the openness of the Green Belt, I conclude that Appeal B would meet the exceptions in Paragraph 145(g) of the Framework and would therefore not be inappropriate development.

We also note the outcome of appeal ref APP/R-66-/W/21/3274166 (Locoshed, Bollington Lane, Nether Alderley, Cheshire), allowed in August 2021. In allowing that appeal, the Inspector deleted a condition specifying that the demolition of a locomotive shed and its replacement with two houses should be carried out in total accordance with the drawings, finding no harm to the openness of the green belt through a proposed increase in height of the garages.



The Inspector recorded that openness is capable of having both spatial and visual aspects. He then gave regard to various High Court judgments: *Euro Garages Ltd v SSCLG & Anor* [2018]; *Samuel Smith Old Brewery (Tadcaster), Oxton Farm v North Yorkshire CC & Darrington Quarries Ltd* [2018]; and *Samuel Smith Old Brewery (Tadcaster) and others (Respondents) v North Yorkshire County Council* [2020]. He explained that, in summary, these judgments highlight that, rather than treating any change as having a greater impact on the openness of the Green Belt, the correct approach is to consider the impact or harm, if any, wrought by the change.

Whether or not any change will have an adverse impact, he continued, and so cause harm to openness, might depend on factors such as the scale of the development, its locational context, and its spatial and/or visual implications. He suggested that 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, but how to take account of the visual effects is a matter of planning judgement rather than one of legal principle.

Turning to the case before him, the Inspector noted that, although the proposal did not increase the footprint of the garages, it would result in them having a greater volume than the approved garages due to the increase in height. However, he suggested that the increase in height and volume would not be substantial. Furthermore, he noted that the increased height of the garages would not be conspicuous from the lane as a result of the existing built development within the surrounding area, siting of the new dwellings, new planting, existing vegetation, setback from the highway and, that the garages would appear modest compared to the size of the dwellings.

Given the scale of that proposal and the context of the site, the Inspector determined that the scheme would not have a detrimental effect or have a materially greater impact on the openness of the Green Belt than that approved. As such, he suggested that the proposal would not conflict with the fundamental aim of Green Belt policy to keep land permanently open. He concluded that – in spite of the increased built volume - the development would preserve the openness of the green belt and would not conflict with the purposes of including land within it.

What the above appeal cases and case law confirm is that volumetric calculation is not the ‘be all and end all’, and that a more sophisticated assessment is called for. Certain proposals that involve an uplift in built volume can be deemed appropriate and not harmful.

In the case of this application proposal, we have acknowledged that the scheme will introduce a modicum of additional built volume (an uplift of just 4.5%), but the visual implications must also be considered. It is our contention that, by virtue of design quality, land relief / levels, visual softening, and retention of key views / vistas across the site, that the overall impact of the proposal will not result in any material harm to or loss of openness, and will in fact represents an enhancement. What is before the LPA, therefore, is a scheme that promotes a built volume uplift of just 4.5%, but one of superior quality in terms of its design, layout, ‘greening’ and respect for setting and context.



Turning to other aspects of the NPPF, the Applicant has responded to §39, which encourages pre-application discussions with the LPA. We have taken on board the helpful comments and suggestions made at pre-application stage, and are grateful for that assistance. This is recorded in the Design and Access Statement.

Chapter 12 of the Framework is focused on ‘Achieving Well Designed Places.’ §124 states that :

‘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’

§127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, **‘while not preventing or discouraging appropriate innovation or change.’**

The proposal is also consistent with §170, which requires planning decisions to contribute to and enhance the natural and local environment by, *inter alia*, protecting and enhancing valued landscapes (bearing in mind that this is designated as a Special Landscape Area), recognising the intrinsic character and beauty of the countryside, and minimising impacts on and providing net gains for biodiversity.

In conclusion, we contend that the application is entirely consistent with the relevant policies of the NPPF as an important material consideration, and that this ought to carry considerable weight in the overall planning balance.

Other Policy Considerations

While it does not have development plan status, the Council’s *Development Control Policy Guidance Note 8 ‘New Buildings and Associated Development in the Green Belt’* is a material consideration.

This document was adopted 10th January 2007, formulated (like the UDP) on the basis of now superseded Government policies and 5 years before the NPPF was first published. That said – like the UDP policies on Green Belt - while it is largely consistent with the NPPF, there are certain inconsistencies.

Perhaps the most relevant part of the Guidance Note is paragraph 4.24, which explains :

‘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. However, each proposal will be considered on its own merits and even an increase up to a third may not be



appropriate in certain situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues).'

This reinforces the stance we set out earlier – namely that the proposal is not disproportionately larger than the existing house. The perceivable uplift in built volume equates to an increase of just 4.5%, which is very considerably below the 33% uplift that the Guidance Note suggests will – ‘in general terms’ - be deemed acceptable.

At Section 5.0, the Guidance Note confirms considerations that are applicable to all development in the Green Belt. This includes careful consideration to the impact of a new building when viewed from several locations in both the immediate vicinity and the wider countryside. It states that the view of the proposal from main roads, public footpaths and settlements will be given significant weight when assessing planning applications.

The proposal has been designed with these considerations in mind.

Paragraphs 5.8 onwards are of interest, in that they refer to colour. §5.8 acknowledges that :

‘The apparent size of a building can be influenced by the siting, choice of colour and detailing of the exterior walls and roof.’

We agree with that statement, and contend that the sensitive design and subtle selection of rustic materials will render a far more sympathetic appearance than the somewhat stark existing outbuildings that offer a bland, quasi-industrial appearance.

By the same token, the proposal reflects §5.13, which requires materials to be sympathetic with the location, minimising visual impact. This suggests that applicants should take into consideration any local vernacular when selecting materials and colours for their building, while §5.14 notes that the use of dark colours for window and door frames, guttering and other such elements is often preferable to lighter colours and that the use of overly bright colours (such as white) should generally be avoided. §5.15 relates to agricultural buildings, and is arguably not applicable. However, the proposed houses have been designed in agrarian style, and with that in mind the Guidance Note suggests :

‘There should be an emphasis on materials and colours that have the least visual impact on the surrounding area.’

Again, the proposal is consistent with above design advice, and we accordingly suggest there to be overall consistency with *Guidance Note 8* as a material consideration.

Very Special Circumstances?

We have set out above our contention that the proposal represents appropriate development in the Green Belt, in that :

- I. The reuse of existing buildings (ie the farmhouse and attached barn) is appropriate; and



2. The modest extension of those buildings is proportionate and is in turn appropriate; and
3. The redevelopment of the remainder of this previously developed site will not only replace eyesore structures with far superior and sympathetic buildings, but – crucially – represents a very small increase of 4.5%, considerably below Bury Council's 33% policy threshold.

Notwithstanding that stance, we are mindful that, during the course of pre-application discussions, the LPA indicated that :

'you will still need to demonstrate Very Special Circumstances given size and height increases and also locating some buildings/built form where there are currently none on the site.'

It is important to highlight that that suggestion was based on the pre-application scheme, and not the reduced scheme that is now before the LPA.

That said, whilst do not consider that it is necessary to present a VSC case, we would suggest that the following factors combined would constitute such a case if the LPA adopts the stance that the proposal is inappropriate :

1. The existing outbuildings are somewhat unsightly, brash, utilitarian and harmful in appearance and the character of the locality. Those buildings are particularly prominent / visible when viewed from the principal public vantage points, including along Holly Mount Lane, a well used PROW.
2. In these terms, those buildings harm the character of both the Green Belt and the Special Landscape Area in which it sits. Such harm extends to harm to openness, because the more garish a development, the more it draws the eye, and in turn deflects from the overall perception of openness that characterises most rural (Green Belt) landscapes. Conversely, when buildings (such as those proposed) are constructed from materials characteristic of the locality, which nestle and blend more comfortably, and which read as part and parcel of the wider landscape, they cause less visual harm to the sense or perception of wider openness.
3. The proposed replacement buildings (houses) are well designed, will use the best quality materials, and – crucially – will be more respectful of, and sympathetic to, the natural landscape and context. They have been designed to blend with the landscape. Not to 'bark' from it as the current outbuildings do.
4. While we accept that comparison of volume is not the 'be all and end all', it is a legitimate and useful tool, especially when determining whether or not replacement buildings are materially larger. In this case, the proposed volume is only slightly (4.5%) larger than the existing.
5. Furthermore, the proposal will result in a considerable reduction in 'hard' footprint (by 1,873.3 sqm) and introduce significant new tree and other planting.



6. Considering recent court judgements and the revised NPPG, the Applicant has not relied solely on a narrow volumetric calculation. Instead, an 'open textured' assessment has been made, having regard to not just size, but how the houses will sit / blend within the landscape, and how those will impact on key views and vistas. On all counts, the scheme that is before the LPA is far superior and more respectful of the Green Belt than the existing complex of buildings.
7. NPPG tells us that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as is its volume. In our assessment we have covered both of these.
8. NPPG suggests that the duration of the development, and its remediability, taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness can be considered. This is relevant in this case, because the proposal involves the removal of a very large, unsightly concrete apron, such that the extent of hardstanding areas will reduce materially.
9. Furthermore, the currently hard, barren appearance of the site will be considerably softened by the thoughtful hard and soft landscaping scheme presented by Square Yard.
10. The application is proposing a range of access enhancements along Hollymount Lane, which will provide benefits in respect of highways safety and efficiency for the whole community. The lane is single track and well used. It is particularly congested during school pick up and drop off times (Hollymount Primary School). The application proposes the following improvements along the lane :
 - Retention of existing speed hump close to the junction with Holcombe Road, but its extension to render it more effective; and
 - Introduction of an additional speed hump adjacent to main application site; and
 - Retention of existing passing place on north side of lane, and its repair to render it more effective; and
 - Introduction of 2 new passing places on the western side of the lane, one of which close to the junction with Holcombe Road, and the second halfway along the lane.

It is contended that the above traffic enhancements will improve the efficiency and safety of the affected section of Hollymount Lane, representing a material benefit to the whole community, including parents / children attending Hollymount Primary School. Given that the application owns the lane and the adjacent land, these improvements can be readily achieved, and we contend constitute a VSC in support of the application (albeit we continue to maintain that it is not necessary to present a VSC case).



Concluding Comments

We have considered the application proposal against the development plan and have explained why we consider it to be compliant. Crucially, we consider it to be ‘appropriate’ development in the Green Belt.

We have also given consideration to the Council’s *Guidance Note 8* as a material consideration, whilst acknowledging that it relates to replacement dwellings. This states that :

‘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.’

The proposed increase in built volume is very modest and does not represent a disproportionate increase over and above the existing. At 4.5% larger in volumetric terms, that is well below the extent of increase that the Council’s *Guidance Note* allows for (**‘in general terms’**).

We have also highlighted that the hardstanding footprint will reduce very materially.

We have also considered the proposal against the NPPF, and – on all counts – we maintain that the proposal is compliant.

We have explained that the existing outbuildings are of poor design quality and not in keeping with this rural Green Belt location. They contribute little in aesthetic terms to the *Special Landscape Area* in which it sits, and are in fact harmful to that special character. Their poor appearance jars with, and deflects from, the intrinsic beauty of the surrounding countryside.

The intention has been to design far more sympathetic buildings (houses), using quality natural materials that will sit more sensitively in the West Pennine Moors landscape. The houses - when viewed from Hollymount Lane and elsewhere - will have the outward appearance of traditional stone buildings in a courtyard arrangement, using quality, respectful materials.

For the reasons explained above, we are pleased to be involved in this excellent redevelopment project, and we accordingly commend it to the LPA.

Application Content

The application comprises the following :

- Application form and certificate
- This covering letter / planning commentary
- Design and Access Statement (Hawthorn Design Partnership)
- Preliminary Bat Roost Assessment (Ecology Solutions)
- Transport Statement (Highways Advice)



- The following landscape drawings (Square Yard) :
 - YD2_HMF_LP001 – Landscape Plan
 - YD2_HMF_LP001 – Planting Plan Sheet 1
 - YD2_HMF_LP102 – Planting Plan Sheet 2
 - YD2_HMF_LP103 – Planting Plan Sheet 3
- Phase I Preliminary Risk Assessment (LK Group)
- Drainage Strategy Report (LK Group)
- Drawing / visualisation pack as per the submitted Drawing Register (Hawthorn Design Partnership).

We look forward to receiving confirmation of receipt and validation of the application, and please do not hesitate to contact Richard Gee at the above offices if further information is required.

Yours faithfully
for Roman Summer Associates Ltd

Richard Gee
Director