

DELEGATED REPORT

Report by Steven Gunn
Russell

Date of report: 18/01/2022

Ref:67730/FUL

Registration: 28/10/2021

LDfC: 01/12/2021

Expiry Date: 23/12/2021

Site Visit: 19/11/2021

Site Notice: N/A

Press Date: N/A

Objections: 0

Con Area: N/A

Adv Type: PI

Reason for Delay:

EIA: NA

N/A

Dec Level: DEL

Stat Class: HOUS

Proposal: Single storey detached outbuilding

Location: 145 Turton Road, Tottington, Bury, BL8 3QA

Description

The application relates to an outbuilding within the curtilage of a large detached house in the greenbelt on the edge of the urban area of Tottington. The site is entirely within the greenbelt with dwellings to the south-east (separated by extensive trees and shrubbery) and one other large, detached dwelling to the north-west, separated by a 1.8m high fence erected above a 1.3m high wall (combined height 3.1m) and a higher ground elevation beyond. The location of the proposed outbuilding is currently occupied by a small garden shed/ storage unit at the end of a long driveway within extensive grounds.

Planning permission is sought for a single storey detached outbuilding separated from the main building by a gap of approximately 13.1m. The applicant has stated that the purpose would be as a garden store ancillary to and incidental to use of the property. Materials would include coursed natural stone and render, slate grey flat roof, and anthracite grey window frames for two high level side windows. The proposed outbuilding would be constructed from stone and would measure 8.1m length, 4.5m width and reach a maximum height of approximately 3.0m. The volume would be 109.35m³ (cubic metres).

Relevant Planning History

65766 - Single storey ground floor detached outbuilding – approved Oct 2020

65333 - Alterations to external elevations by changing colour of external elevations to Anthracite grey RAL 7016 – approved May 2020

64908 - Single storey ground floor utility extension – approved Jan 2020

50513 - Construction of 3 bay detached garage – refused 2008

46275 - Demolition of existing dwelling & erection of new dwelling – approved 2006

43324 - Certificate of lawfulness for existing residential use – Lawful development 2005

42958 - Certificate of lawfulness for an existing residential use – NLD 2004 – Not Lawful Development 2004

Publicity

Immediate neighbours notified by letter dated 09/11/2021 and 21/12/2021 sent to 7 (seven) neighbours. No representations have been received.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions

N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
OL1	Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
OL7/2	West Pennine Moors
MW1/1	Areas of Search
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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) and 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 Policy 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.

Green Belt – NPPF paragraphs 147 and 148 state 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 145 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development. Exceptions to this are:

- a) buildings for agriculture and forestry;
 - b) provision for appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation;
 - c) extension or alteration of a building providing it does not result in disproportionate additions over and above the size of the original building;
 - d) replacement of a building, providing 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 community needs under policies set out in the development plan (including policies for rural exceptions sites); and
- 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.

Policy OL1/2 - New Buildings in the Green Belt states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; 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; and limited infilling in existing villages as set out under Policy OL/3.

This is further supported by SPD8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. In general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%) of the volume of the original dwelling, notwithstanding other material planning considerations such as design and visual appearance. However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on its own merits.

The site is located within the greenbelt within the curtilage of an existing residential dwelling on the edge of Tottington. The site history confirms that the original dwelling is a

replacement dwelling within the Green Belt. The original dwelling (replacement 46275) measures 1,140m³, and subsequent extensions include an attached utility extension (64908) measuring 35m³, and a detached summer room (65766) measuring 110m³. The proposed extension would be approximately 109.35 cubic metres, which if approved would result in total extensions measuring 254.35m³ representing an increase of 22.3% on the original building which is below the 33% suggested within SPD 8. The proposed extension would be an outbuilding to be constructed alongside the rear fence which itself is positioned above an elevated section of ground (combined height 3.1m), set back from the highway by approximately 14.5m and is therefore considered to be acceptable in terms of massing.

In this instance due to the location of the proposal it is considered that 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, or result in a disproportionate addition above and beyond the original (replacement) building and is a limited extension. It is there considered that the proposal complies with the NPPF, UDP Policies OL1/2, and associated guidance in SPD8.

Impact on Green Belt and Visual Amenity

In addition to the Green Belt Policies set out above 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.

Site history shows there was a previous application for a garage (50513) in approximately the same position within the site, that was refused due to the proposal's impact on the Green Belt. The current proposal is smaller than the current proposal in terms of its length, width, and overall height. Additionally, the current proposal has a flat roof compared with previously refused tall pitch roof reaching 5.23m above the previous garage proposal which was considered to be a prominent and intrusive feature within Green Belt and West Pennine Moor Area of Special Landscape Value. It is therefore considered that the current proposal design has mitigated the previous issue and will be less prominent.

The proposed outbuilding would be located to the rear of the site approximately 13.1m from the public highway and set alongside an existing boundary wall/ raised fence (combined height 3.1m) with natural screening along this boundary. The site is located within the context of the main house, with dwellings to the south-east, and a new build dwelling to the north-west. Due to the close proximity of the outbuilding to the main dwelling any views of the proposed outbuilding would viewed as a cluster of buildings rather than an isolated property therefore limiting the impact on the openness of the Green Belt. A condition will be attached to ensure that the existing shed is removed prior to the proposed outbuilding being occupied to prevent an over concentration of ad-hoc outbuildings within the grounds. The proposed materials would match those of the original building and as such would further allow the proposed outbuilding and the dwelling to be viewed as a group.

Proposed materials would include coursed natural stone and render for the walls, slate grey flat roof, and anthracite grey window frames. In terms of design and appearance the extension is considered to complement the existing house. Situated along the rear boundary wall, the extension is set back from the highway by 13.1m and would be partially visible from the public arena although its design with a flat roof and materials matching the main dwelling are considered to comply with UDP Policy H2/3 and associated guidance in SPD6.

It is considered that the proposal would not have an adverse impact on the openness of the Green Belt, or have a detrimental impact on the character of the dwelling, street scene or neighbouring properties. As such the proposal is considered to comply with NPPF Green Belt policy, UDP Policies H2/3, OL1/2, and associated guidance in SPD6, and SPD6.

Residential amenity – The applicant has stated that the purpose would be as a garden store ancillary to and incidental to use of the property, and that it would not be used as a habitable room or living space. Additionally, the windows proposed are high level side windows. As such there are no issues with privacy or overlooking. The extension would be acceptable and comply with UDP Policy H2/3 and associated guidance in SPD6.

Highways - The proposal would not affect the existing site access or parking arrangements as the driveway is 55m in length and provides ample space for numerous private vehicles.

Conclusion – In consideration of the above, it is considered that the proposed relatively small outbuilding would be acceptable in terms of the design, and sitting, of this development within this greenbelt location and its design is considered to complement the existing house. As such, the proposed development is therefore considered to be acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6.

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:

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings submitted on 03/11/2021 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 listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 The existing shed/outbuilding shall be removed from site within 28 days of the proposed outbuilding being occupied.
Reason. In the interests of visual amenity and to ensure preservation of the openness of the Green Belt pursuant to the National Planning Policy Framework, UDP Policy OL1/2 – New Buildings in the Green Belt, and Supplementary Planning Document 8 - New Buildings in the Green Belt.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Steven Gunn-Russell	18/01/2022		