

DELEGATED REPORT

Report by Tom Beirne	Date of report: 02/04/2025	Ref: 71365/FUL
Registration: 11/02/2025	LDfC: 05/03/2025	Expiry Date: 08/04/2025
Site Visit: 04/03/2025	Site Notice: N/A	Press Date: N/A
Objections: 8	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Demolition of existing stable building and erection of 1 no. dwelling

Location: Land opposite 41 Arthur Lane, Radcliffe, Bolton, BL2 5PR

Description

The application relates to an existing stable block with three bays with a footprint of 55sqm (including overhang), constructed in painted breeze block with a tiled roof, sitting at the back of the plot (approximately 500sqm) of land on the south side of the access road serving the properties to the north. Sitting immediately to the south of the stable block is a former box van body, used as a small storage container. Immediately beyond this are two larger steel storage containers. It appears that the three larger containers were sited after 2020.

The site is bounded by a timber post and rail fence. The stable block is positioned at the back of the plot, adjacent to the boundary on the south side and measures. The applicant, residing in the dwellinghouse across the access road, owns a small triangular piece of land to the east and a larger area of grassed land to the west. To the south of the site is an open paddock. To the south east is a small stable block which also has an access onto the private road. The site lies within the Green Belt and is a Special Landscape Area. Vehicular access from Arthur Lane is via an unadopted and unnamed private road.

The proposed development involves the demolition of the stable building and constructing a replacement single storey dwelling further towards the road. The proposed building would have a footprint measuring 15.3m by 7.5m with a small outrigger measuring 5m by 3m. It would have a pitched roof to a maximum ridge height of 4.2m. The external walls would be rendered and the roof re tiled.

The existing access would be closed and a new access formed at the western end of the site. The access drive forms a turning area with parking for three cars on the west side and the main garden area would be on the east side of the house with a paved patio area to the south/rear. In order to construct the house, the existing storage containers would be removed from the site.

In support of the proposal, the applicant has submitted a general planning statement, setting out a justification for granting approval.

Relevant Planning History

65562 - Conversion of stable to dwelling with single storey extension - Refused 23/07/2020
67550 - Conversion of stable to dwelling with single storey extension - Refused 06/12/2021
70580 - Replacement of stable with 1 no. detached dwelling - Refused 25/04/2024

Publicity

Immediate neighbours notified by letter dated 12/02/2025. Eight objections received and summarised below:

- The proposal is not in the development exceptions outlined in Paragraph 154 of the

NPPF and conflicts with Green Belt Policy.

- The site is still in equestrian use as conversion has not commenced.
- The site does not meet the criteria for a 'grey belt' designation.
- The proposal is not an infill development.
- The new building is materially larger than the building or previously approved scheme, and would therefore have a detrimental impact on the openness of the Green Belt.
- Using the steel storage containers to 'free up' space/volume is not relevant as the containers are temporary and unauthorised.
- Siting the building closer to the road would create a more conspicuous structure that would harm visual amenity of locality and Special Landscape Area.
- Increased traffic using the access road would increase risks to users of the road and the PRow.

One comment in support of the proposal, stating that it would enhance the area.

Statutory/Non-Statutory Consultations

Traffic Section - Conditions.

Drainage Section - No objection received.

Environmental Health - No objection.

Waste Management - No objection received.

United Utilities - No objection.

Greater Manchester Ecology Unit - No objection.

Minerals and Waste Planning Unit - No comment received.

Pre-start Conditions - N/A

Development Plan and Policies

NPPF National Planning Policy Framework

PfE Places for Everyone

OL1/2 New Buildings in the Green Belt

EN1/1 Visual Amenity

H1/2 Further Housing Development

H2/2 The Layout of New Residential Development

SPD8 DC Policy Guidance Note 8 - New Buildings in the Green Belt

EN9/1 Special Landscape Areas

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.

Background - The same applicant submitted an application (67550) to convert and extend the existing stable on the site to a dwelling in 2021. Planning permission was refused but the subsequent appeal was allowed in July 2022.

Principle (Green Belt) - Paragraphs 152/153 indicate that inappropriate development is, by definition, harmful to the Green Belt except in very special circumstances. It goes on to state that planning authorities should ensure 'substantial weight' is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

Paragraph 154 of the National Planning Policy Framework (NPPF) states that local planning authorities should regard construction of new buildings in the Green Belt as inappropriate. Exceptions to this are:

- a) buildings in agriculture or forestry;
- b) facilities for sport/outdoor recreation;
- c) extensions to buildings that are not disproportionate;
- d) replacement of a like for like building in the same use;
- e) infilling in villages;
- f) limited affordable local community housing;
- g) limited infilling or partial /complete redevelopment of previously developed land which would not have a greater impact on openness or cause harm to openness of the Green Belt and contribute to affordable housing need.

Unitary Development Plan Policy H1/2 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

The main issues are

- whether or not the proposal would be inappropriate development in the Green Belt,
- the effect on the character and appearance of the area and
- if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

To this extent, the UDP policy conflicts with the National Planning Policy Framework of December 2023 (the Framework) and which, by its more up-to-date policy publication, must in this regard carry significant weight in the decision making process.

Turner v Sec of State and Green Belt - With regard to the concept of 'openness', the supporting statement refers to the High Court case of Turner v Secretary of State for Communities and Local Government and ANONR (2016) where 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 paragraph 89 of the NPPF'.

In response to the applicant's arguments that the proposal would not impact on the openness of the Green Belt, the nature of the site and surroundings are critical in any assessment of openness. Whilst openness shouldn't always be based on a narrow volume approach, this particular site, set apart from houses across the private road and surrounded by open countryside, has semi-rural, open character. The applicant has included the removal of the existing steel containers into the equation, implying that the larger proposed building would be offset by the losing the volume of the storage containers. This is not necessarily the case as the two larger containers have been in situ since 2020/21. They are therefore unauthorised and could be removed at any time.

Policy OL1/3 states that, in all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings. Ainsworth is a named village within the UDP.

The site is not within what would be termed the village of Ainsworth, rather adjacent to an outlying group of properties. Even if it were under the wider concept of a village, the proposal would not, in any sense of the term, be considered as infill.

The new storey dwelling would therefore be contrary to the NPPF, PfE, UDP and associated guidance and would be unacceptable within and seriously detrimental to the character and openness of the Green Belt.

Design, layout and Visual Amenity - Whilst the smaller converted stable block, with its characteristic low profile would have a limited impact visually, the impact of a larger dwelling, set further forward on the sight, would be greater, particularly set against the open land to the south, west and east. And whilst the general design and finish of the house would in itself not be out of keeping in an infill plot, sitting out on its own on the south side of the access road, would appear prominent and incongruous and have a seriously detrimental suburbanizing effect on the visual amenity and character of the area with its surroundings.

The proposed development would therefore be a prominent and incongruous feature within the locality and would not be in accordance with the NPPF, PfE and UDP Policies EN1/1 and EN1/2 and guidance within SPD9 and SPD10.

Impact upon residential amenity - Given the siting of the proposed dwelling in relation to the nearest residential properties on Arthur Lane over 30m to the north, there would be no

significant impact on these neighbours.

With regard to impact on future occupiers of the property, the stables to the south east would be a sufficient distance away and with planting along the boundary, there is unlikely to be any serious impact. Whilst there is a paddock on land immediately to the south of the site, this would be considered normal in a rural setting and would not have a seriously detrimental impact on amenity.

Given the siting and layout, the proposal would not have a serious impact on residential amenity and complies with UDP Policy OL1/4.

Impact on Public Rights of Way - The proposed development would not have a material impact on the public right of way which effectively runs along the unadopted road in front of the site.

Ecology and Landscaping - The NPPF states that the planning policies and decisions should contribute to the natural and local environment. The site is not of particularly high ecological value. Although some self-seeded shrubs and a couple of small fruit trees would be removed, potential ecological issues remain unchanged and include bats, nesting birds and biodiversity mitigation and enhancement.

No evidence of bats was recorded in the survey undertaken and there are no reasons to doubt the findings of the report. According to GMEU, there are unlikely to be any other significant ecological issues associated with this development.

The proposed development would not cause serious harm to the local ecology or any protected species. The proposal would therefore be acceptable and would be in accordance with the NPPF, PfE and Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Biodiversity Net Gain - Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021). The development would result in the loss of low value grassland to vegetated garden. A new hedge is proposed around the boundary of the site.

The developer has accepted that the development is subject to mandatory biodiversity net gain and a BNG assessment and statutory metric provided. This indicates 10% is achievable on the site. GM Ecology Unit has no reason to doubt the findings of the report.

GM Ecology Unit found that the habitat proposals are not in my opinion significant and therefore, a habitat management and monitoring plan would not be required. However, in order to discharge the statutory condition, a biodiversity gain plan and finalised metric would be required.

The proposed development would not cause serious harm to the local ecology or any protected species. The proposal would therefore be acceptable and would be in accordance with the NPPF, PfE and Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Traffic and access - The access from the site onto the private access road is generally acceptable and previous concerns about visibility from the access road onto Arthur Lane were addressed in the previous appeal decision. The traffic generated by the proposal would not be significantly greater than the traffic coming and going from the stables.

The proposal is acceptable and there are no objections from the traffic team and complies with UDP Policy H2/2 The Layout of New Residential Development in relation to access.

Drainage - The proposal includes a permeable hardstanding for parking and turning with surface water draining to a soak away. Foul drainage would be dealt with via a septic tank. This arrangement would be generally acceptable but subject to a condition requiring details of both surface and foul water drainage to be submitted for approval. This would be acceptable and comply with UDP policy.

Servicing - Bins would be stored within the curtilage with collection from the access road as with other properties nearby.

Carbon Reduction - A statement has been provided indicating that the development would satisfy Part L of Building regulations 2022 in regard to energy efficiency. An electric vehicle charging point would be provided within the site in line with PfE Policy HJP-S2 Carbon and Energy.

Digital Connectivity - Full internet connectivity would be provided within the site in line with PfE Policy JP-C2 Digital Connectivity.

Existing containers on site - It is recommended that enforcement action is taken with regard to securing the removal of the large steel containers on the site as they are unsightly and have a seriously damaging impact on the character and openness of the Green Belt and Special Landscape Area.

Objections - The objections, where relevant, have been addressed in the above report.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed dwelling would be seriously detrimental to the character and openness of the Green Belt by reason of its size and position within the site and surroundings. The proposed development therefore conflicts with the NPPF and Places for Everyone and the Bury Unitary Development Plan policies: OL1/2 New Buildings in the Green Belt, H1/2 Further Housing Development and EN1/1 Visual Amenity.
- 2 The proposed dwelling would, by reason of its size and position within the site, constitute a prominent and intrusive feature in the streetscene. It would therefore, be seriously detrimental to the visual amenities of the locality which is a designated Special Landscape Area. The proposed development therefore conflicts with the NPPF, Places for Everyone and the following policies of the Bury Unitary Development Plan: EN1/1 Visual Amenity, EN9/1 Special Landscape Areas.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	07/04/2025		