

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 12/04/2024	Ref: 70421/NON
Registration: 20/03/2024	LDfC:	Expiry Date: 17/04/2024
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Non-material amendment following grant of planning permission 69571: Omission of two windows to the south elevation and replacement with single window.

Location: Meadowcroft Farm, Home Barn, Slaidburn Drive, Bury, BL8 3PD

Description

The site relates to a detached agricultural building which is located in the Green Belt. The site is in a remote area characterised by open land and fields. The nearest development is Meadowcroft Farm to the east, approx 110m away. Access to the site is from Lowercroft Road and a single lane track and Public Right of Way.

The building was formerly used for agricultural purposes and is a single storey structure with a rectangular footprint and constructed in random stone with a slate roof.

Planning permission was granted for the conversion of the building to a residential dwelling with a single storey extension, external alterations and a garden area.

The external alterations comprised the insertion of patio doors on the west elevation and small window opening to the other elevations.

This application seeks to delete the two small windows proposed to the south elevation and replacement with a single larger window.

The proposed window would be centrally located within the south elevation and would be an oriel type design.

The application has been submitted as a non-material amendment.

Relevant Planning History

69571 - Conversion of an existing agricultural building into dwelling with single-storey extension and associated access - Approved 16/6/23

Publicity

N/a

Statutory/Non-Statutory Consultations

N/a

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN5/1	New Development and Flood Risk
EN6/3	Features of Ecological Value

EN6/4	Wildlife Links and Corridors
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
OL1/2	New Buildings in the Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
OL7/2	West Pennine Moors
HT2/4	Car Parking and New Development
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD11	Parking Standards in Bury
MW1/1	Areas of Search
RT3/3	Access to the Countryside

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.

Visual impact

It is proposed to replace the two windows in the south elevation with a single larger window. The single window would be an oriel design and would be viewed as a contemporary insertion and a 'deliberate' later addition to the barn, thereby separating the 'new' works from the original barn. This approach is often used for similar conversions and alterations to older buildings and barn type properties.

As such this is considered to be an acceptable approach and therefore considered not to impact on the character of the traditional barn building to a significant degree.

The south elevation would face the PRow which runs along the boundary of the site but would be largely screened from public views by the hedgerow which runs along the majority of the southern site boundary and as such would not be visible to public or wider views.

It is therefore considered that the proposed amendments are considered acceptable and considered to be a non-material amendment to the approved scheme ref 69571.

Recommendation: Approve

Conditions and Reasons:

The proposed amendments to the alterations to the window openings on the south elevation would not affect the character of the building, impact on visual amenity or have a significant impact on the openness of the Green Belt. The development would still be in accordance with the principles of planning permission 69571 and the policies against which it was approved.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	12/4/24	DM	12/04/2024