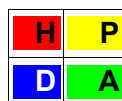


**Planning application for a replacement dwelling at Burnt House Farm, Turton
Road, Tottington, BL8 3QF**

Planning Statement



**January 2023
Prepared by Hartley Planning and Development Associates Ltd**

Planning history

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

The building is in the Green Belt

The current application

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

The Main Issues

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

Inappropriateness

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

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

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

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

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

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

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

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

However, even if it considered that the use of the premises has been lost through abandonment, paragraph 149 (g) also allows as an exception: -

‘limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (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’.*

In its pre application advice, the LPA considers that the site is previously developed land. That must be the case, whether or not it has a domestic use. The National Planning Policy Framework 2021 (the Framework) defines previously developed land in its glossary as: -

‘ Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds’.

The application site is clearly not in a built-up area.

The LPA, in its pre application advice considers that whether the proposed development would have a greater impact upon openness than the existing development will depend upon *‘scale, height, and footprint area* and that the *‘extent of residential curtilage and creation of hardstanding areas/surfacing materials would also contribute to the assessment of impact on openness.’*

The existing building (excluding parts which have been demolished) has a volume of some 390m³ whereas the proposed dwelling would have a volume of 472m³, an increase of 20.5%.

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

The SPD sets a general benchmark for what might be considered to be acceptable development not materially larger than what is replaced by it.

However, while the proposed building would not be materially larger than the one it replaces, it is accepted that volume is but one of the criteria by which openness is to be assessed and factors such as floor areas and heights, amongst other matters, are important variables to be considered.

The following compares the existing building with the proposed dwelling: -

	Ridge height AOD	Eaves height AOD	Finished floor levels AOD	Gross footprint M2	Volumes M3
Existing – with outbuildings	200.82m	199.38m	195.41m	139	
Existing – without outbuildings	200.82m	199.38m	195.41m	102	390
Proposed dwelling	200.6m	199.0m	194.5m	107	472

In this case, the existing building has a floor area of some 390m² (excluding the ruinous outbuildings). The proposed development by comparison, would have a floor area of some 472m² (+21%). (Calcs taken from the measured topographical CAD drawing of the site)

In purely physical terms, therefore, the proposed building would not be disproportionally larger than the existing building.

In addition, the proposed curtilage of the dwelling would approximate both in its size and position to that of the existing building) while the hardstanding around it would also remain of a similar area.

But openness is not to be defined by volumes and areas alone. In the case of *Turner v Secretary of State for Communities and Local Government and ANONR* (2016) the judge concludes at paragraph 14 that the concept of openness of the green belt is not narrowly limited to a volumetric approach. *word openness is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case'* (Paragraph 15) *'The question of visual impact is implicitly part of the concept of "openness of the Green Belt" as a matter of the natural meaning of the language used in para. 89 of the NPPF'.*

The visual impact of the existing building, by its disrepair, the use of a random mix of natural stone and brick walls, the presence of adjoining broken down walls and structures, and the absence of any landscaping to soften its impact upon openness, all adversely impact upon the Green Belt. As Turner concluded and as quoted above, *“the question of visual impact is implicitly part of the concept of “openness of the Green Belt”*.

In comparison, the proposed dwelling, by the use of natural stone and natural blue slate, and by its overall design, would be reflective of the style of rural buildings in this location and in the Green Belt. Moreover it would include the sweeping away of the unsightly adjoining broken down walls and structures. In the terms of Turner, it would amount to an improvement to the appearance of the area, which is itself part of the assessment of openness.

In addition, the proposed dwelling would be sited somewhat slightly further down the slope than the existing building, helping to reduce the current impact.

Furthermore, the proposed development presents an opportunity to include by a condition, landscaping around the proposed dwelling which would mitigate any current adverse impact upon openness caused by the current building.

Therefore, even if the local planning authority (LPA) was to consider that paragraph 149(d) of the Framework relating to the replacement of a dwelling does not apply, the proposed development, for the above reasons, accords with paragraph 149(g) relating to the redevelopment of previously developed land. It would also accord with the SPD.

Character and appearance

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

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

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

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

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

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

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

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

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

Very Special circumstances

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

However, there are such VSCs: -

1. It is our contention that the existing Burnt House farm has not been abandoned as a dwelling. If that is the case then the existence of an existing dwelling on the site, to be replaced, represents a material planning consideration.
2. If it is not accepted that the existing Burnt House Farm is still a dwelling, the proposed development would still be not inappropriate in the Green Belt under paragraph 149 (g) of the Framework relating to previously developed land. The LPA cannot demonstrate a 5-year supply of deliverable housing land. The proposed dwelling, in a small way, would help to meet a housing need (We accept that a lack of a 5 year supply cannot generally justify, on its own, development in the Green Belt which would not meet any of the exceptions, but where such development does meet one of the exceptions, as in this case, the lack of a 5 year housing supply constitutes a material planning consideration.
3. The construction of the dwelling would provide work, probably for a local builder at a time when the Government is concerned that small sector builders are being excluded from the house construction sector and are encouraging LPAs to make available such sites

Conclusion and Planning Balance

The proposed development would not be inappropriate in the Green Belt and would represent the redevelopment of previously developed land without adversely affecting openness.

The proposed dwelling would be in keeping with the character and appearance of the area and would enhance the current somewhat dilapidated appearance of the immediate site.

The lack of a 5-year supply of deliverable housing land and the other VSC's mentioned above stand in favour of the proposed development.

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