

DELEGATED REPORT

Report by Helen Pressley	Date of report: 09/10/2023	Ref: 69392/FUL
Registration: 13/03/2023	LDFC: 07/04/2023	Expiry Date: 08/05/2023
Site Visit: 27/03/2023	Site Notice: 27/03/2023	Press Date: N/A
Objections: 1	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of a building to additional living accommodation; Two storey side extension and Single storey front extension; external alterations including alterations to windows / doors and removal of 2 no. windows

Location: Further Davises Farm, Mather Road, Bury, BL9 6TJ

Description

The premises is located within the Green Belt and comprises a detached two storey farmhouse accessed via a driveway from Mather Road. The site is bounded by open fields. The building is of a traditional appearance with a distinctive linear character comprising of a wide frontage and a comparatively narrow gable. The building includes a two storey wing with a dual pitched roof set forward of the main elevation. Two storey ancillary buildings are also attached to the side of the property that are not currently within residential use.

A number of unauthorised works have been undertaken at the site, including a single storey front extension and two storey side extensions. Both structures are partially completed, with works stopping on site once planning enforcement made contact with the applicant.

Planning permission is sought for the change of use of an attached building to additional living accommodation and a two storey side extension that projects approximately 3000mm and single storey front extension that projects approximately 1200mm.

The proposal is a resubmission of application 68626. The amended scheme involves the removal of the previously approved front elevation set back and re-aligned windows within the gable elevation.

Relevant Planning History

65232 -Proposal A: Single storey rear extension
Proposal B: Front porch extension - Split Decision 13/05/2020

65417 - Lawful development certificate for existing use as cottage (Cottage 2) - Refused 09/06/2020

65416 - Lawful development certificate for existing use as cottage (Cottage 1) - Refused 09/06/2020

66800 - Change of use of a building to additional living accommodation; Two storey side extension and single storey front extension. Refused 31/08/2021 and subsequently dismissed at appeal

68626 - Change of use of a building to additional living accommodation; Two storey side extension and Single storey front extension - Approve with Conditions 22/09/2022

Publicity

Neighbour letters sent 17/03/2023.
Site Notice posted 27/03/2023.

1 objection received in relation to:

- The current stone work is a terrible match.
- Just because the applicant decided to build the extension without approval it shouldn't influence the planning acceptance of it.
- If the removal of the 1m set back is approved, this would increase the total extension volume over 33% based on prior calculations submitted by the applicant. Very Special Circumstances would be required.
- Previous appeal was based on the set back being 1m back.

Statutory/Non-Statutory Consultations

Traffic Section - Do not wish to restrict the granting of planning permission

Greater Manchester Ecology Unit - The proposed retrospective amendments to the previously approved application 68626 does not materially change the ecological issues associated with this development. My previous recommendations regarding ecological mitigation and enhancement still apply.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
EN1/1	Visual Amenity
H2/3	Extensions and Alterations
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
NPPF	National Planning Policy Framework

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.

Policy

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 149 of the NPPF states that the construction of new buildings would be inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (c) 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;
- (d) the replacement of a building, provided 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 local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (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.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one of more of the following purposes: agriculture and forestry essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it; limited extension, alteration or replacement of existing dwellings, provided that this would not result in a disproportionate additions over and above the size of the original dwelling, or, in the case of replacement existing dwellings, the new dwelling is not materially larger than the one it replaces; limited infilling in existing villages.

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%). However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on it's own merits.

Supplementary Planning Document 9 - Conversion and Re-use of Buildings in the Green Belt contains detailed guidance on conversions in the Green Belt which can be applied in this instance.

UDP Policy EN1/1 - Visual Amenity states that development will not be permitted where proposals would have a detrimental effect on public views of prominent or important buildings, especially those in areas of architectural or historic interest, or the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.

As the development would be in relation to extensions to the main dwelling and the ancillary buildings Supplementary Planning Document 6 - Alterations and extensions to residential properties and UDP Policy H2/3 - Extensions and Alterations are also considered to be appropriate. 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.

Impact on Green Belt and Visual Amenity

Incorporating the existing buildings, into one dwelling (not taking into consideration the proposed extensions) would not create any additional volume within the Green Belt. The site already has a residential use related to it due to the existing farm house and as such the proposal would not conflict with the surrounding land uses. This element of the proposal is therefore considered to be acceptable in principle.

When considering new additions and openings to facilitate and allow for a use, the approach should be one sympathetic and appropriate to a location of a sensitive and special landscape character. Additions and alterations are not just about the scale of build added, although this is a fundamental consideration, but also how the design and appearance would affect the character of the building and the character of the Green Belt.

According to case law in the Court of Appeal judgement *Turner v Secretary of State* 2016 at para 14, "The concept of openness of the green belt is not narrowly limited to volumetric approach..... (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspects which the Green belt presents."

SPD 9 contains detailed guidance on conversions in the Green Belt which can be applied in this instance. The key objective of any conversion scheme in the Green Belt should be to facilitate the new use whilst retaining the original character and identity of the building.

In refusing planning permission 66800, it was considered that the proposed extensions

would result in disproportionate additions to the original dwelling and as a result harm the openness of the Green Belt. It was also considered that the scale, design and use of materials would erode the character of the property.

However, in dismissing the subsequent appeal, the Inspector considered that having regard to the linear nature of the existing dwelling and the subservient nature of the proposed extensions, their modest scale, and the fact that together they fell within the guidelines for extensions in Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt, then the scheme would not result in a disproportionate addition to the existing building.

Thereafter, the Inspector considered that the proposed comparatively wide window openings would not be reflective of the existing fenestration in the building and that it would also be at odds with the existing high solid to void ratio that is characteristic of the existing building. The resulting harm arising to the host building from the proposed fenestration would be easily visible from the public right of way and would result in harm to the character and appearance of the area. For this reason, the appeal was dismissed.

Following this dismissal a further planning application was submitted and approved, that included a setback from the front elevation and amendments to the windows.

This current proposal seeks to remove the set back from the front elevation, bringing the front elevation of the proposed extension in line with the main building. This would also lead to an increase in the ridge height of the front part of the extension, so that it ties in with the existing building. The set back was directly referenced by the Inspector when reviewing whether the proposed additions were subservient and as such, an assessment needs to be made as to whether the removal of the set back and this increased scale and massing would result in a disproportionate addition or would impact on the visual amenity of the area.

The set back previously proposed would allow the existing quoins at the corner of the property to be visible. These quoins are an important design feature and part of the overall character of the original farm buildings. It is considered that this detailing should be retained to allow the existing building and proposed extension to be read separately. The combination of the reveal of this detailing, and the set back would lead to subservient additions to the side of the host property. This is particularly important on this front and side elevation as these elevations are most clearly visible from the public right of way. The method statement seeks to remove the as built front wall, rebuild the front elevation in stone and then cover the junction between the existing stonework and the extension with rainwater products, rather than attempting to tie in with the existing stone work. Even if this wasn't a Green Belt site, this proposed method of covering over the untidy junction would appear clumsy and is considered to be poor design.

A second door is now proposed within the front elevation, within one of the existing attached buildings. This would be a reinstated door, that appears to have been blocked up during the unauthorised construction works at the site. Whilst this is an original door, reinstating this door would appear to create a pair of semi-detached properties rather than a single extended property.

It is noted that a former single storey extension on this elevation was flush with the front of the building and also covered the quoins. This building however was only single storey and therefore subservient due to its lower height, and it is not considered that previous poor construction should be used as a reason to approve further poor design.

The proposed window dimensions/proportions to the side elevation of the extension would be much reduced from the dismissed appeal scheme. Specifically, the width of the windows have been reduced and the proportions would have a greater vertical emphasis and some windows have been replaced with smaller ones in different positions to give a more random

layout, akin to traditional vernacular agricultural buildings. The proposed porch is the same as the previously approved scheme.

Externally, the proposed extensions would be finished in coursed natural stone (mainly square/rectangular in form) to match existing walls of the adjoining building (other parts of the building are finished in random stone) and the roof in natural blue slate. This is considered to be acceptable.

Given the above circumstances, in relation to the removal of the set back, the proposal would constitute a disproportionate extension to the existing building, that would not suitably assimilate with the host building and would have an unacceptable impact on the visual amenity of the host building.

Public Rights of Way

One bigger dwelling would be considered to be acceptable in highways terms. The site can be accessed from right of way 21BUR and 24BUR. Recent building work in the area appears to have caused deterioration of the latter bridleway. The site however appears to be accessed via bridleway 21BUR.

As a result of the aforementioned building work however, the public rights of way officer (when commenting on the previous proposal) sought to ensure that proper consideration is given to how the site is accessed during development, both in terms of the route taken and the vehicles used. 21BUR is the obvious route and is outlined in red on the submitted plan. That would be the preferred route and 24BUR should not be used and a condition was proposed to ensure this. Such a condition should therefore be applied in relation to the present proposal.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

Due to the location of the site no residential amenity issues are foreseen.

Other matters

GMEU are satisfied that the proposal would have no adverse impacts upon ecological interests, subject to implementation in accordance with the Bat Survey 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 development by virtue of its scale and design would lead to inappropriate development within the Green Belt that would erode the character of the property in question and the openness of the surrounding area. The proposed extensions would result in a disproportionate additions over and above the size of

the original dwelling and subsequently harm the openness of the Green Belt and are therefore contrary to the following policies of the Bury Unitary Development Plan:
OL1/2 - New Buildings in the Green Belt and associated Supplementary Planning Document 8: New Buildings and Associated Development in the Green Belt;
OL1/4 - Conversion and Re-use of Buildings in the Green Belt and associated Supplementary Planning Document 9: - Conversion and Re-use of Buildings in the Green Belt;
H2/3 - Extensions and Alterations and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties;
EN1/1 - Visual Amenity; and
the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 9/10/2023			