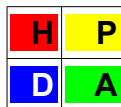


**Proposed replacement dwelling at Kirklees Valley Farm, Lower Kirklees
Street, Tottington BB8 3NY.
(Resubmission)**

Planning Statement



April 2023

Prepared by Hartley Planning and Development Associates Ltd

Introduction

Application is made for the replacement of an existing dwelling at the above address.

The site is within the Green Belt

This is a second application following an earlier dismissal on appeal, albeit for a different site on the same landholding and with new justification.

On 2 September 2021 under ref:66959, a Lawful Development Certificate was issued by the local planning authority (LPA) confirming that the former caravan on the site, by reason of its attachment to the ground and its long use for residential purposes, was legally defined as a dwelling (Class C3).

The dwelling is limited in its size for its occupation by Mr and Mrs Briggs and their son and is poorly insulated .

For these reasons a detached cabin style dwelling has been brought onto the site and positioned next to the former caravan (now defined as a dwelling).

Application ref: 67532 was submitted for its retention but was refused on 21 December 2021 and the subsequent appeal (APP/T4210/W/22/3290022) was dismissed on 3 August 2022.

The reasons for the dismissal of the appeal were that the replacement dwelling, being materially larger than the dwelling which it would replace, would have an adverse effect upon the openness of the Green Belt.

The Inspector concluded that the design and size of the cabin dwelling itself, would not have an adverse effect upon the character and appearance of the area. She opined that ‘ *Although the dwelling would be materially larger than the one it replaces*, it would be a modest dwelling and single A planning condition could be attached *storey*’.

'16. Accordingly, I am satisfied that the proposed development, including hardstanding and domestic paraphernalia, would not cause harm to the character and appearance of the surrounding area, including the character of the Green Belt'

The replacement dwelling is a wooden chalet type structure which is currently stored on the land, pending the outcome of the application. The applicant has purchased it while it was available to buy, in the knowledge that the dwelling the subject of the LDC is very insulated and cramped, providing not ideal accommodation for the applicant, his wife and young son. .

Main issues

The main issues are (i) whether or not the proposal would be inappropriate development in the Green Belt including its effect on openness; (ii) the effect of the proposal 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 the very special circumstances necessary to justify development.

Whether inappropriate development

Saved Policy OL1/2 of the Bury Unitary Development Plan 1997 (UDP) states that the construction of new buildings in the Green Belt are inappropriate development, unless it is for the following purpose (amongst other exceptions).

The same is stated in the National Planning Policy Framework 2021(the Framework).

However, the Framework permits, as an exception and at paragraph 149(g): -

'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';

The application site includes a single storey stable block which was constructed several years ago. In fact, under application No 55562 planning approval was granted on 31 October 2012 for what was described as 'Replacement timber stables/work shed/greenhouse and installation of play equipment to be used as an environmental education community project'.

On 18 February 2015, under application No 312, Planning permission was granted for the retention of the stable block and the construction of an associated menage, and where a legal start has been made for the latter.

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 is clearly not in agricultural use and is therefore previously developed land. Moreover, the stable block has clearly existed for many years and is a permanent structure.

The stable block has a length of 22.35m by 3.27m (73.1) with a height of 2.4m (175m³)

In comparison, the proposed replacement dwelling has a footprint of 61m² and a volume of 189m³.

The proposal is to demolish the stable block and to remove the existing former caravan (now classed as a dwelling) .The net result would be a reduction both in square footage and in volume terms of structures on the land and in the Green Belt.

	Length	Width	height	M2	M3
Stable block to be demolished	22.35	3.27	2.4	73.1	175
Exg dwg. to be removed (discounting the removal of the attached lean-to)	5	3.4	2.6	17	45
Total				90.1	220
New dwg.	10	6.35	3.62	63.5	189
Net effect				-27	-31

Therefore, in terms of the reduction in both floor area and also volume the proposed development would accord with paragraph 149(g) of the Framework.

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”.*

The proposed development would lead to a visual improvement to the site by the removal of the stable block and existing dwelling , both of which are showing signs of disrepair, and by a general improvement of the site by associated landscaping.

Therefore, the proposed development would not be inappropriate development in the Green Belt and would accord with policies OL1/2 and OL5/2 of the UDP, SPD8 and the Framework.

Character and appearance

When determining the earlier appeal concerning the retention of the cabin dwelling on its current site the Inspector concluded as follows: -

‘ I am satisfied that the proposed development, including hardstanding and domestic paraphernalia, would not cause harm to the character and appearance of the surrounding area, including the character of the Green Belt.

The Inspector raised no objections to the size or height of the cabin dwelling and noted that it would not be especially visible from the public domain. The proposed siting of the proposed replacement dwelling upon the floor area of the stable block would also be largely hidden from view, with a tree belt to the rear and open, landscaped land in front of it. Moreover, the proposed

landscaping scheme would improve the visual appearance of the site, resulting in an improvement to the character and appearance of the area

The proposed development would not require excavations in order to provide links to utilities including foul drainage and an electricity supply as the existing provisions would continue to be used.

Therefore, as the Inspector previously concluded *'it would not conflict with Policy EN1/1 of the UDP which states that development will not be permitted where proposals would have a detrimental effect on the visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt or the river valleys. In this regard, it would also not conflict with SPD8 which provides advice on how the character of the Green Belt is maintained and where possible, improved'*.

Other Matters

The proposed replacement dwelling is of a size at 63m² that is little larger than the minimum of the Nationally Described Space Standards 2015 (NDSS) for a two bedroom /3 person dwelling, set at 61m². Even though the LPA has not yet adopted the NDSS, as contained in the draft Greater Manchester Plan, the Inspector did afford the matter some weight, as she did with regard to Building Regulations regarding minimum heights of dwellings. Equally, she gave consideration to the Human Rights Act, Protocol 1, Article 1 (protection of property) and Article 8 (right for respect for private and family life).

While the Inspector concluded that 'on balance', these matters were insufficient to outweigh the harm which she found to the openness of the Green Belt, they were considered as important in the overall planning balance.

In the case of the current application, made on the basis of a different proposal, these matters support the fact that it would not be inappropriate in

the Green Belt and would also improve the character and appearance of the area.

Conclusion and the planning balance

The proposal would not result in an addition dwelling.

It would not be inappropriate in the Green Belt, by reason of being the redevelopment of previous developed land and which would increase the openness of the Green Belt.

It would enhance the character and appearance of the area by reason of the removal of existing structures, some of which are inappropriate in a countryside setting , and by the landscaping of the site.

Other matters, including an appropriate minimum size for a family dwelling and Human Rights considerations add weight to the factors in favour of the proposal.

Therefore, we consider that overall, the weight is in favour of the proposed development.