

DELEGATED REPORT

Report by Helen Pressley	Date of report: 07/11/2024	Ref: 70997/FUL
Registration: 01/10/2024	LDfC: 06/11/2024	Expiry Date: 26/11/2024
Site Visit: 16/10/2024	Site Notice: 16/10/2024	Press Date: 10/10/2024
Objections: 0	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Formation of access road to Watling Street to serve existing agricultural units and grounds to the rear of Baxter Head Farm

Location: Baxter Head Farm, Watling Street, Tottington, Bury, BL8 3QL

Description

The proposal relates to a field adjacent to Watling Street. The site is part of Baxter Head Farm, with a dwelling located to the north of the site and agricultural buildings located to the north west. The site is currently an open grassland field, that is raised above the highway to the front of the site. The boundary with the highway is depicted by a low level stone wall, with grass embankment that rises to the level of the field with post and wire fencing indicating the field boundary.

Planning permission is sought for the formation of access road to Watling Street to serve existing agricultural buildings associated with Baxter Head Farm. The proposal includes the provision of a 14.5 metre wide access onto Watling Street, with a tarmaced area extending 16.7 metres into the site. The remaining proposed access track would be approximately 4.8 metres in width and would be constructed from gravel.

The proposal differentiates from the previously proposed schemes, as it no longer seeks to utilise an existing unauthorised access that had been constructed without planning permission and has been the subject of 2 withdrawn applications, a 1 pre-application enquiry. No details of how this access will be remediated have been submitted with the application and as such the access has been reported to Planning Enforcement.

Relevant Planning History

02863/E - Formation of access road to Watling Street to serve existing agricultural units - Enquiry completed 05/10/2023

68581 - Two storey extension at front; External alterations to include new windows, juliet balconies to west and rear elevations and installation of solar panels; Two storey/first floor extension to existing detached garage with front dormer windows and solar panels - Approve with Conditions 13/09/2022

69209 - Formation of access road to existing agricultural units - Withdrawn by Applicant 22/02/2023

69425 - Formation of access road (retrospective) to Watling Street to serve existing agricultural units - Withdrawn by Applicant 12/05/2023

Enforcement

24/0425 - Unauthorised access track -

Publicity

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Neighbour Letters sent to 6 properties 01/10/2024
Site notice 16/10/2024
Press notice published in the Bury Times 10/10/2024

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal due to creation of an substandard access onto Watling Street.

Public Rights of Way Officer - Confirmed that applicant wishes to divert footpath, no official application for diversion has been submitted and official route of Footpath 100TOT is still available.

Greater Manchester Ecology Unit The submitted information appears to be a reasonable reflection of the baseline and post development habitats and the LPA can be reasonably confident that a 10% net gain could be provided, and that the post development Biodiversity Gain Condition (BGC) can be discharged.

Planning Policy Manager - No response

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN8/2	Woodland and Tree Planting
OL7/2	West Pennine Moors
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
JP-G1	Landscape Character
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-P1	Sustainable Places
JP-C1	Our Integrated Network
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
NPPF	National Planning Policy Framework
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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.

Principle (Green Belt)

Paragraphs 152 and 153 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 154 of the NPPF states that the construction of new buildings in the Green Belt should be regarded as 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

UDP Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories is inappropriate development and will only be permitted in special circumstances.

Paragraph 155 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order

UDP Policy OL1/5 Mineral Extraction and Other Development in the Green Belt considers development to be inappropriate unless it maintains the openness, and in the case of mineral extraction, does not conflict with the purposes of including land in the Green Belt, and that high standards would be maintained. Proposals for other development is inappropriate and by definition harmful to the Green Belt, and would only be permitted under very special circumstances.

PfE Policy JP-G9 - The Green Belt confirms the extent of the Green Belt within the Borough and confirms the five purposes of including land within the Green Belt. The beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high quality green spaces that will support economic growth.

The applicant has provided a Planning and Green Belt Justification statement as part of the planning application, that includes reference to paragraphs 149 and 155 of the NPPF. It should be noted that paragraph 149, is now paragraph 154 in the NPPF published in December 2023. The statement considers that the application and proposals are not inappropriate within the Green Belt as they fall under exception b of paragraph 149 (now 154) and exception d of paragraph 155. The proposal would not provide appropriate facilities for outdoor sport and is not for the re-use existing buildings. The proposal is for an additional access track.

Supplementary Planning Document 8 - New Buildings and associated development in the Green Belt has been designed to provide guidance to developers on what is appropriate development within the Green Belt. The aim should always be to preserve the openness of the Green Belt and to keep built development to the minimum scale. SPD 8 confirms that the view of the proposal from main roads, public footpaths and settlements will be given significant weight when assessing planning applications. SPD 8 states that materials should be sympathetic with, and consider the local vernacular. There should be an emphasis on materials and colours that have the least visual impact on the surrounding area.

Given that the proposal includes excavation works to create the proposed access it appears that the proposal could be considered to fall under exception b of paragraph 155 of the

NPPF, rather than the exceptions provided in the supporting statement, provided that the proposal can demonstrate that it preserves openness of the Green Belt and does not conflict with the purposes of including land within it.

It should be noted that the Case Officer did provide the applicant with advice in relation to the potential exception that may apply within their written pre-application response however it does not appear that this advice has been taken on board.

Impact on the surrounding Area and Green Belt

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

As well as being sited within the Green Belt, the site is located within the West Pennine Moors as defined under UDP Policy OL7/2 and the Affetside and Ainsworth Open Moorlands and Enclosed Upland Fringes (West and South Pennines) Landscape Character Area as defined under PfE Policy JP-G1. Throughout the area of the West Pennine Moors, the Council will control development and manage recreational activity and public access, so as to reduce any possible detrimental effects these may have on the important character of the area. Development within a Landscape Character Type, should reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location.

The Greater Manchester Landscape Character and Sensitivity Assessment (GMLCSA) gives guidance in relation to future development within each landscape character type. Generally the landscape within this area is intact with an important mosaic of textured semi-natural upland habitats on the unenclosed moorland and grassland traditionally managed by sheep grazing in the enclosed fields. It forms a continuation of character from the wider Pennine upland landscapes.

It is considered that the extent of the proposed access from Watling Street, at 14.5metres metres wide, and the introduction of a 16.7 metre long area of tarmac that rises to the field level above Watling Street would not be in keeping with the rural character of the area and would not replicate the relatively simple and unobtrusive existing field accesses that currently existing in this rural location along Watling Street. The site is very prominent within the street scene and immediately visible as you travel along Watling Street, appearing alien within the context of this road. When discussing an access slightly north of this proposal with the applicant at pre-application it was confirmed that a track of a similar design would require a case for Very Special Circumstances would be required as the proposal did not comply with the requirements of paragraph 155 of the NPPF. This has not been provided.

The proposed track, whilst located at a higher level than the highway to the front of the site would represent an extension of this uncharacteristic access feature and would introduce a road to gain access to buildings that already have an access from Watling Street. Contrary to the applicant's case, the existing field is visible when travelling along Watling Street particularly from the brow of the hill outside of Butcher Farm to the south of the site. The access road is approximately 120 metres long (including the tarmac area) and curves through an open field. The applicant has suggested that they would consider putting grass down the middle of the track to create a traditional farm track which is better than the proposed gravel. however the access track proposed is approximately 4.8 metres wide and as such excessive for the access to a limited number of agricultural buildings. The introduction of grass does not address the wide tarmac access point and extent of track required to gain access that cause harm to the Green Belt.

The proposed access track would interrupt the patchwork of irregular fields that make up this landscape character area, introducing a discordant feature within this sensitive area. The introduction of an additional track, that is curved and replicates a suburban style driveway or road in form would be at odds with the relatively sparse road network that defines the locality and would cause harm to the attractive, less developed backdrop with

the nearby urban areas.

The existing access to the agricultural buildings is along Public Right of Way Footpath 100TOT. This footpath runs along the driveway that is also used to access the main dwelling at Baxter Head Farm. There are only 4 agricultural buildings (including a chicken coop) that need to utilise this existing access and these are associated with the farm house. The units are not currently in use and as such access to them is limited. It is noted that the applicant is currently converting the farm house into a family home, but it is not considered that this would constitute Very Special Circumstances to allow inappropriate development within the Green Belt.

As confirmed at pre-application improving this existing access, rather than creating a new one would have a lesser impact on the Green Belt and this landscape character area than the proposal and as such this needs to be fully reviewed. It has not been demonstrated within the submission documentation that improving this access would have more or less harm to the Green Belt and the locality than the proposal set out.

It is therefore considered that the proposed access and track would cause in-principle harm to the openness of the Green Belt as it would represent visually intrusive features in the Green Belt and Landscape character Area by virtue of the size, layout and the materials used. Whilst the applicant has put forward a limited case to substantiate the development, it is considered that they have failed to demonstrate that the proposal would preserve the openness of the Green Belt. The benefit of removing vehicles from the public right of way, and the applicant's private drive does not outweigh the identified harm. The overall impact of the proposal would introduce a suburban feature into a rural landscape that is neither appropriate to, or in keeping with the character of the locality. The proposal is therefore considered to be inappropriate development within the Green Belt and harmful to the character of this sensitive location contrary to the policy considerations set out above.

Highways and Access

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

PfE Policy JP-C1 requires developments to be located and designed to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport. Developments should prioritise pedestrians, cyclists and public transport users. Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of car dependency.

The site is currently accessed via an existing access from Watling Street, the runs along Public Right of Way 100TOT. As such UDP Policy RT3/3 - Access to the Countryside is also applicable as it requires the Council to seek to improve and extend the existing network of Public Rights of Way.

The Highways team have held the consistent view that a new access along this stretch of highway, from Watling Street, causes significant highways safety issues. Whilst the proposed access has been relocated compared to the previous applications and pre-application advice, Highways have also provided the consistent advice that a full review of the existing access also needs to be undertaken to see what can be done to upgrade this.

Given the above PfE policies, that seek to reduce the reliance on cars it is considered that the proposal would lead to a new vehicular access, to serve a limited number of buildings that is contrary to the need to prioritise pedestrians, cyclists and public transport users. In addition the proposed new access track provides no provision for pedestrian or pedal

access on the submitted plans and seems to only focus on the need for vehicles to access the buildings to the rear of the Baxter Head Farm. Whilst the proposal would remove vehicles from an existing public right of way, given the limited number of buildings accessed via this footpath it is considered that there would be minimal public benefit in relation to the creation of this proposed access.

The proposal would therefore result in the creation of an additional and sub-standard access onto Watling Street from a site that is already adequately and safely served from the adopted highway, which is likely lead to unacceptable conflicts at a hazardous point on the highway network and would therefore be detrimental to road safety and maintaining free flow of traffic. The proposal would therefore be contrary to the Policy considerations set out above.

Ecology

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. UDP Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by PfE Policy JP-G7 that aims to significantly increase tree cover and requires 2no. replacement trees for each tree lost or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area.

The proposal would lead to the removal of modified grassland and 7no. rural trees. These are not irreplaceable, or very high/high distinctiveness habitats. The submitted BNG statement, states that new habitats will be created to offset the habitats lost through the provision of grassland retained between the two gravel strips, and the provision of 20no. new trees - 70% of which would be native.

The introduction of a grass strip is not shown on any of the submitted proposed plans, but could be provided through the submission of a the statutory BNG Gain Plan.

Under the current proposals set out in the Illustrative Plan there will be a GAIN of 0.04 biodiversity area units (+12%).

The submitted information appears to be a reasonable reflection of the baseline and post development habitats and the LPA can be reasonably confident that a 10% net gain could be provided, and that the post development Biodiversity Gain Condition (BGC) can be discharged. A HMMP would need to be secured for the significant on-site gains, which in this instance would be the newly planted trees which are a medium distinctiveness habitat.

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 access track, by virtue of its position, materials and extent by virtue of its length across an open field, causes undue harm on the landscape and has a seriously detrimental impact on the visual openness and character of the Green Belt and Landscape Character Area. The overall impact of the proposal would introduce a suburban feature into a rural landscape that is neither appropriate to, or in keeping with the character of the locality. Very Special Circumstances have not been demonstrated to outweigh the in-principle harm caused to the Green Belt. The proposal is contrary to the following Policies of the Bury Unitary Development Plan, Places for Everyone Joint Development Plan, and the National Planning Policy Framework:
EN1/2 - Townscape and Built Development
OL1/5 - Mineral Extraction and Other Development in the Green Belt
OL7/2 - West Pennine Moors
JP-G1 - Landscape Character
JP-G9 - The Green Belt
JP-P1 - Sustainable Places

- 2 The proposal would result in the creation of an addition and sub-standard access onto Watling Street from a site that is already adequately and safely served from the adopted highway, which is likely lead to unacceptable conflicts at a hazardous point on the highway network and would therefore be detrimental to road safety and maintaining free flow of traffic. The proposal is contrary to the following Policies of the Bury Unitary Development Plan, Places for Everyone Joint Development Plan, and the National Planning Policy Framework:
EN1/2 - Townscape and Built Design
JP-C1 - Our Integrated Network
JP-C5 - Streets for All
JP-C6 - Walking and Cycline
JP-C8 - Transport Requirements of New Development

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 7/11/2024		DM 07/11/24	