

**Full Planning application for the replacement of a stables building by a
dwelling at 41 Arthur Lane, Ainsworth, Bury BL2 5PR**

Planning Statement



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The proposed development

The application site related to land to the rear of 41 Arthur Lane currently includes a stables block and other structures.

On 22 July 2022, under application ref 67550, its change of use, conversion and extension was allowed on appeal (ref APP/ T4210/W/21/3288575) subject to conditions.

Pre-construction conditions no's 3-7 inclusive and condition 9 were discharged on 15 June 2023.

The existing stable building and structures still remain Tn the land.

Application is now made to demolish the stable and other buildings and to replace them with a new detached dwelling.

The site is in Green Belt.

The main issues

The main issues are (i) whether or not the proposal would be inappropriate development in the Green Belt, including its impact upon openness and its purpose (ii) the effect on the character and appearance of the area; and (iii) if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether inappropriate development

Policy OL1/2 of the Bury Unitary Development Plan 1997 (UDP) states that the construction of new buildings inside the Green Belt is inappropriate development, unless it is for 'one or more' of specified purposes.

The re-use of previously developed land (which defines the application site) is not included on the list of exceptions in the UDP, though the policy, when referring to 'one of more' exceptions, makes it clear that it does not consider the exceptions to be a closed list.

To this extent, the UDP policy conflicts with the National Planning Policy Framework of December 2023 (the Framework) and which, by its more up to date policy publication, must in this regard carry significant weight in the decision making process.

UDP policy OL1/3 also states as follows: -

'Infilling in Existing Villages in the Green Belt

In all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings' .

The policy specifically names Ainsworth as one such village

.

The Framework states as follows in relation to the proposed development: -

'154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

e) limited infilling in villages;

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.'

Proposed developments are not restricted to their compliance with only one of the above exceptions.

Proposal in relation to limited infilling in villages.

While the Framework allows limited infilling in villages, so long as it does not have a greater impact on the openness of the Green Belt than the existing development, LP policy OL1/2 permits the same in named villages so long as *'it is in scale with the village and would not adversely affect its character or surroundings'*. LP policy includes Ainsworth in its list of named villages.

In this regard, any such village is not confined to a village boundary shown on any development plan and which is drawn to serve a different planning purpose.

In any event, the site is an infill plot when consideration is given to the surrounding development and the extant permission of the site itself.

Any perceived conflict between LP policy OL1/2 and the Framework, with the latter requiring there to be no adverse impact upon openness, while the former requires such development not to adversely affect the character of its surroundings, is diminished by the High Court case of *Turner v Secretary of State for Communities and Local Government and ANONR (2016)* where the judge concludes at paragraph 14 that the concept of openness of the green belt is not narrowly limited to a volumetric approach. *'The 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'*.

In this regard, surrounding properties are generally two storey in height

Limited infilling or the partial or complete redevelopment of previously

developed land, whether redundant or in continuing use (excluding temporary buildings)

The proposed site, being used for stabling, is a previously developed, brownfield site. Moreover, when determining the earlier appeal relating to the conversion and extension of the building to form a dwelling, it was accepted that the building is not a temporary structure.

The above exception is also dependent on there being no adverse impact upon openness, in which case the same issue with regard to the Turner case applies.

The Council's' New Buildings and Associated Development in the Green Belt, Development Control Policy Guidance Note 8 2007 (SPD) also states as follows: -

4.24 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. However, each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues).

The volumes of the existing building and structure when compared to the proposed development area are as follows (calcs from the CAD drawings): -

Volume of proposed dwelling 514m³

Volume of buildings on the site and to be removed 411m³

A 30% increase in volume (as per the SPD) gives a figure of 534m³ to be removed

In terms of external floor areas, interrogation of the CAD plans indicates that the 2 storey dwelling would have an external area of 176m², whereas the buildings to be demolished would total 139m². Allowing for a 30% increase gives a figure of 229m², so that the proposed floor area would be well within such a limit.

Summary

The proposed development would replace the extant approval for a dwelling on the site and where therefore there will be a dwelling on the land. This does constitute a very special circumstance in Green Belt policy terms.

It is appreciated that the application proposal is for a dwelling of a larger volume than the extant approval, but both LP policy and the Framework permit new development as infill in villages. The LP permits them where the proposed development accords with the character of the area, as it would do in this case. The Framework permits such infill development where it would not have an adverse impact upon openness, but where the Turner case acknowledges that the visual effect of any such development is a material consideration when assessing any such impact. *'The question of visual impact is implicitly part of the concept of "openness of the Green Belt"'*.

Furthermore, the site is 'previously developed land' and where the volume increase would be very comparable to the existing buildings and structures already on the site.

For the above reasons, the proposed development would not be inappropriate in the Green Belt.

Other matters

External materials

Please see submitted plans.

External walls to be pitch faced natural local stone with natural stone quoins: -



Roof to be natural blue slate



Windows would be wooden casements, set in from the external elevations by 50mm

Landscaping and boundary treatment

See separate plan

Drainage

Surface water would be directed to a rainwater harvesting system (Klargester) to be recycled and then, with foul drainage, to a biodisc (again Klargester) Trade details are submitted and also a drainage plan.

Biodiversity enhancement

Biodiversity enhancement proposals are included in the bat report.

Conditions discharged regarding the extant approval

When determining the earlier appeal for a dwelling on the site the inspector imposed several conditions. The pre construction conditions were subsequently discharged by the LPA.

The same proposals relating to the discharge of the following conditions. would apply in the case of the current application, as follows:-

Access

The extant approval included a condition relating to access into the plot and along the lane. The condition was discharged on the basis of the following

proposal and which applies in the current case: -

'The current access to the site is through a gate which abuts the lane. The proposed plans show the access into the site without a gate permit a vehicle to draw off the access and into the proposed development and of a width to allow two vehicles to pass'.

Bats

The condition was discharged on the basis of the following proposal and which applies in the current case: -

'Please see update bat report'

The same report, dating from October 2022 is submitted with the current application.

2 no.1FE Schwegler bat access panels would be included at eaves height prior to first occupation of the dwelling.

Asbestos

The same report as submitted with the extant approval is submitted with the current application.