

DELEGATED REPORT

Report by Claire Booth	Date of report: 06/03/2023	Ref: 69172/FUL
Registration: 12/12/2022	LDfC: 02/02/2023	Expiry Date: 06/02/2023
Site Visit: 23/01/2023	Site Notice: 23/01/2023	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Demolition of stables and erection of 1 no. dwelling

Location: Ferns Farm, Turton Road, Tottington, Bury, BL8 3QH

Description

Ferns Farm and the application site is located on the north side of the B6213 Turton Road off a traditional farm track. The farmstead is set on lower land than Turton Road and is set away from the road by a field. The farmstead includes the traditional farmhouse, the application building to the west of the farmhouse, a sand paddock and two blocks of timber stables, noted on the Council's addresses mapping as a livery yard, also extending westwards from the west facing gable of the farmhouse and the application site. To the east of the application site exists a pair of stone built semi-detached cottages. These cottages are located outside the submitted blue edge, so are in separate ownership.

The land on which the application site is located slopes down from Turton Road from a south to north direction and from the application building. The land also falls away from the east of the application building towards the existing farmhouse.

The application relates to a single storey building with mono-pitch roof, which has the appearance of an domestic outbuilding. It is located approximately 6.5m to the west of the Ferns Farmhouse, which is in use as two stables. The existing building has rendered walls and a glass reinforced plastic roof.

Permission is sought for the demolition of the existing building/ stables, which has approximate dimensions of 7.6m (l) x 5.7m (w) with an eaves height of approximately 3.5m and a max height of approximately 3.77m, and for the erection of a two storey, 4-bed, open market dwelling with a first floor balcony projection off the north facing elevation.

The proposed dwelling would be sited upon the site and extend beyond the area of the existing stable block. It would be orientated to overlook the long range views of Holcombe Hill and Moor positioned to the north and east, and Scout Moor to the north-east of the site along with the intervening landscape. The proposed dwelling would have a balcony projection off the north elevation.

The proposed dwelling would have the following dimensions:

- Length - approximately 11.4m overall, including the roof overhang;
- Width - approximately 10.8m for the main house with the proposed first floor balcony it would be 13.05m wide;
- Height to Eaves - approximately 5.5m at the front/ north and approximately 4.5m above existing ground level at the rear. The Proposed Elevations indicate the land will be excavated so that the eaves appear the same height at the front and rear.
- Height to Ridge - approximately 8.54m.

Proposed materials would consist of a mix of timber cladding; rendering and stonework with

Cedral 'Rivendale' roof tiles. A large array of glazing is proposed in the south facing roofslope.

The existing yard area to the rear of the stable block is proposed to be used as a rear yard area for the proposed dwelling. Two car parking spaces are proposed in the areas to the north and south of the proposed dwelling, with one of the cars parked under the proposed first floor balcony projection.

Permission also seeks to re-organise the siting of a steel container and timber shed.

Minor amendments have been received during the course of the application providing detailed Site/ Block Plans illustrating existing and proposed car parking provision for both the proposal and the existing farmhouse and Livery Yard present at the farm.

The application site is located within the allocated West Pennine Moors countryside area, a Special Landscape Area, a Mineral Safeguarding Area and is also within the boroughs Green Belt, as allocated on the Proposals Map associated with the Bury Unitary Development Plan. The High Risk Coal Mining Referral Area boundary abuts the southern boundary of the application site.

Inaccuracies and inconsistencies within the Submission

The following inaccuracies have been found within the submission during the assessment of this proposal:

- A large mature Ash Tree, located on higher land in the field adjacent to the south of the existing stable building, shown on the submitted Topographical Survey and within the submitted Preliminary Ecological Appraisal, is no longer present on the site. It is noted that the Ecologist undertaking the Preliminary Ecology Appraisal visited the site on the 26th October 2022 with the original Topographical Survey being issued to the applicants, on the 31 October 2022 and was amended again on the 21 November 2022. This planning application was submitted to the Local Planning Authority on the 12 December 2022, with the Local Planning Authority (LPA) visiting the site on the 23 January 2023. Therefore, the mature Ash Tree has been felled during this 8 week period.
- One of the areas proposed as parking spaces for the proposed new dwelling is not included within the red edge on the originally submitted or amended Location Plan. It is located within the submitted blue edge to the north-west of the proposed dwelling in an area which appears to lead to a sand paddock and livery stables. The LPA requested the agent include all areas necessary for the development, i.e which includes parking and turning areas, to be included within the red edge.
- On the Existing Ground Floor Plan (Dwg. no. L01) and Proposed Ground Floor Plan (Dwg. No. L02) a wall of physical structure of a wall is shown extending from the rear of the existing farmhouse, to suggest there is only pedestrian access in the area directly to the area of the farmhouse. On the LPAs site visit, there was no structure in this position, suggesting the Existing Ground Floor Plan is inaccurate in this regard.

Relevant Planning History

13/5/1215 - Change of use of farm buildings for habitable purposes. Refused, 14 October 1968.

Publicity

The nearest neighbours, 1 and 2 Fern Cottages, have been notified by letter. A Site Notice was also erected on Turton Road at the end of the farm lane. No representations have been received as a result of this publicity.

Statutory/Non-Statutory Consultations

Traffic Section - Raise objections

Borough Engineer - Drainage Section - No comments or observations received.

Environmental Health - Contaminated Land - No comments or observations received.

United Utilities (Water and waste) - No objections.

Greater Manchester Ecology Unit - No objections, subject to conditions requiring mitigation and enhancements to biodiversity

Waste Management - No comments or observations received.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys
OL7/2	West Pennine Moors
EN6/4	Wildlife Links and Corridors
EN9/1	Special Landscape Areas
MW1	Protection of Mineral Resources

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.

ASSESSMENT

Principle of Development

Permission is sought to demolish an existing two horse stable block, which is a single storey mono-pitched building, and replace it with a two storey open-market/ unrestricted dwelling.

Location of the proposed development

The site is located in the Green Belt in a countryside location, approximately 200m, as the crow flies and 305m from the edge of the urban boundary of Tottington. The settlement of Tottington is a linear rural town running along and off the central spine road, Market Street.

The farthest end of the Market Street is approximately 1430m from the application site, with the closest end of Market Street located approximately 913m from the site. The urban core is defined by the rear garden boundaries of properties on and accessed of Woodstock Drive

From the edge of the urban boundary to the application site, the pavement is very narrow and the access track from the farm to Turton Road is unmade and unlit. The narrow nature of the pavement on this main road would not be ideal for occupiers of the proposed development to use regularly to access daily services and amenities available within Tottington. It is therefore highly likely that future occupiers of the proposed development would be heavily reliant on the private car to access daily amenities. The location of the development is therefore would not constitute sustainable development, particularly given its physical separation from the defined urban core, reflected by the rear garden areas of properties on Woodstock Drive, and the sites location within a Special Landscape area and the Green Belt.

5-year Housing Supply

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be

taken into account in the decision-taking process. The latest results published show that Bury MBC has less than 75% of the required delivery and therefore does not have a 5-year deliverable housing supply and therefore this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

Therefore, in this case the 'titled balance' applies and planning permission should be granted unless the above points Paragraph 11(d) i or ii apply.

The sites location within the Green Belt

The site is located on a traditional farmstead, now used for horsicultural purposes, within the countryside, on land allocated within the adopted Unitary Development Plan (UDP) as Green Belt. Policy OL1/2 of the UDP states that new buildings in the Green Belt are inappropriate unless they are for the purposes of agricultural or forestry, essential facilities for outdoor sport and recreation, cemeteries, infilling in existing villages and extension, alteration or replacement of existing dwellings, providing any extension, alteration or replacement is not disproportionate to the original property, or materially larger than the existing dwelling, where a replacement dwelling is sought. The proposed development does not fall within any of the exceptions listed within UDP Policy OL1/2 and thus the proposals conflict with this UDP policy.

Turning to national policy; the National Planning Policy Framework (NPPF) states in paragraph 137 that "the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 147 of the Framework, states: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

Paragraph 148 of the Framework goes on to state that; "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' 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 Framework sets out that the construction of new buildings is inappropriate in the Green Belt unless, amongst other exceptions, criterion g) of Paragraph 149 applies. This allows new buildings where it involves limited infilling, or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would, under the first limb of the exception would not have a greater impact on the openness of the Green Belt than the existing development, and under the second limb of this exception, would 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. The building proposed to be demolished is used as stables. Stable buildings are considered to constitute Previously Developed Land and thus

is counted as one of the exceptions allowed by Paragraph 145 of the Framework, specifically criterion g.).

In terms of the proposals compliance with Paragraph 149 g); in the first limb of the exception requires proposals to not have a greater impact on the openness of the Green Belt than the existing development. The existing stables building has a floorspace of approximately 50.5m², and a volume of 157.85m³. In contrast, the proposed building would have a floorspace of approximately 212.4m² and a volume of 597.85 m³. The proposed dwelling would thus be approximately 212.48% larger in floor area and 279% larger in volume than the existing stables. The proposed dwelling would therefore fail to accord with the exception allowed by paragraph 149 g.). With regards the second limb of the exception within paragraph 149 g.), this does not apply as this proposal seeks to erect an open-market dwelling. The proposals are therefore considered to be inappropriate development in the Green Belt. This harm to the Green Belt will therefore be given substantial weight in the decision.

Openness and Permanence

With regards the impact of the proposed dwelling on the openness and permanence of the Green Belt, it is clear that the building proposed would be considerably higher than the existing stable building as it would be approximately double the height of the existing stables and would have a greater footprint, massing and volume than the existing building. The bulk and massing of the proposed development together with the design details, materials and other elements that are characteristic of the use of a building as a dwelling would result in a more prominent development that would diminish the openness of the Green Belt in both visual and spatial terms. Overall, therefore, the proposal would result in a development that would have a greater impact on the openness of the Green Belt than the existing stables building. It would therefore be inappropriate development in the Green Belt, in line with paragraph 147 of the Framework, and the proposed development would be inherently harmful to the Green Belt. In addition no special circumstances have been put forward to justify overriding local and national green belt policies. These conclusions should be given substantial weight in the planning balance, in line with paragraph 148 of the Framework.

Effect on Landscape Character and Visual Amenity

As well as being located within the Green Belt, the application site is also positioned within the West Pennine Moors area, a Special Landscape Area. UDP Policies EN9 - 'Landscape', EN9/1 - 'Special Landscape Areas', UDP EN1/1 - 'Visual Amenity' and OL7/2 - 'West Pennine Moors' are therefore relevant in the assessment of this proposal.

UDP Policy EN9 seeks to protect, conserve, and improve the landscape quality of the Borough. UDP Policy EN9/1 states that in these Special Landscape Areas development which is permitted will be strictly controlled and is required to be sympathetic to its surroundings in terms of its visual impact. It also requires high standards of design, siting and landscaping. It further states that unduly obtrusive development will not be permitted in such areas.

UDP Policy H2/1 - 'The Form of New Residential Development' states that all new residential development will be expected to make a positive contribution to the form and quality of the surrounding area and relevant to this application are the criteria to assess, amongst other things, the relationship to adjacent properties, the density and character of the surrounding area, and the materials that would be used in the proposed development, especially their colour and texture.

UDP Policy EN1/1 states development will not be permitted where proposals would have a detrimental effect on the visual amenity.

UDP Policy OL7/2 states the Council will control development to reduce any possible detrimental effects that may have on the important characteristics of the area. It states that

particular regard will be had on, amongst other things, landscape character.

The NPPF states in Chapter 15, paragraph 174, that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

Within the Greater Manchester Landscape Character Assessment (2018) supporting the Greater Manchester (GM) 'Places for Everyone Plan', that has recently been under examination by the Planning Inspectorate, identifies the area of the application site as Open Moorlands and Enclosed Upland Fringes (West/South Pennines). Whilst the GM Places for Everyone Plan seeks to define places for residential and commercial development it is useful in understanding where they consider such proposals would have a high impact on landscapes character. The area of the application site is considered to be highly sensitive to new development and new residential and commercial development was considered to have a high impact on landscape character.

The application site is within one of the boroughs Special Landscape Areas and within the West Pennine Moors area. It is set on steeply sloping land, sloping southwards, at a lower level than Turton Road, and thus panoramic views of the landscape are available from Turton Road and from the application site itself which extend all the way over the valley, over Hollymount, Greenmount up to Peel Tower on Holcombe Moor, and of the intervening landscape between the application site, Peel Tower and Scout Moor (with its windfarm) that is located due north-east of the application site.

In views from Turton Road and the PROWs located on rising land to the south of the application site, the farmstead is set down into the landscape and is nestled into the sloping site, with only the upper reaches of the farmhouse and its roof visible in views from Turton Road. The existing stables building that is proposed to be demolished is seen as a subordinate outbuilding located to the west of the traditional stone farmhouse and is set between the principal and rear elevations of the farmhouse. The panoramic landscape in which the application site is set extends beyond and provides far reaching views, as described above.

In contrast, the proposed dwelling would project forward of the rear elevation of the existing farmhouse and due to its scale, design and massing would appear highly prominent and as a discordant and incongruous addition in the landscape. The proposed dwelling would conflict with the existing farmhouse and built form at Ferns Farm and their setting, and would conflict with the materials of the traditional farmstead, to the detriment of the landscape character in this locality and visual amenity. The proposed balcony on the north facing elevation would also appear at odds with the traditional farmstead. This further emphasises that the dwelling would appear as discordant and incongruous addition within this rural landscape. The proposed mix of stone, render and timber materials, in the manner laid out, would further increase the visual prominence of the building in the landscape and would clash with the layout of materials on the traditional/ original stone farmhouse, and the timber stable buildings which the proposed dwelling would be sited between.

Moreover, the proposal is only partially shown in context with the western wall of the farmhouse. The western end of the farmhouse appears to be an extension to the original farmhouse. It is set slightly lower than the original farmhouse, has different fenestration details, and is rendered, compared to the stone farmhouse. The proposals are only shown in context with the edges of the extended bits of the farmhouse and is not shown in context with the slightly higher traditional part of the farmhouse dwelling. Nevertheless, it is evident from the Proposed South Elevation shown on Dwg. No. 04 that the proposed dwelling would project approximately 2.8m above the ridge of the rendered part of the farmhouse and, given the traditional part of the farmhouse seems to be only marginally higher than the rendered half, the proposed dwelling would appear overly dominant when viewing the farmstead from the public realm, it and would detract from the traditional

farmstead, and would appear highly prominent and unsympathetic in the landscape, to the detriment of visual amenity and landscape character.

In views up from Public Right of Way (PROW), no. 19 (Tottington), which is located on lower ground to the north of the application site, the built form at Ferns Farm and nos. 1 and 2 Farm is viewed uphill. The built form at Ferns Farm extends across the landscape from nos. 1 and 2 Ferns Cottages to the stables/ livery yard located to the west of the application site. Mainly the upper reaches of Ferns Farmhouse and the application site are visible from this PROW. The existing built form is given a visual sense of relief from the ribbon of development in the area of the existing stable block which is set back from the rear elevation of the farmhouse and which is at a true single storey height. The proposed dwelling in contrast would project forward of part of the rear elevation of the farmhouse and would infill this visual gap. This would diminish visual amenity from this lower PROW. In addition, the height of the proposed dwelling, along with its scale, massing, design and appearance would appear as a discordant, and incongruous addition, to the detriment of visual amenity and landscape character.

It is accepted that the extent of residential curtilage would be constrained to the existing yard area attached to the west of the existing stables that is elevated above the sand menage associated with the other stables at Ferns Farm. The impact of domestic paraphernalia would therefore be limited, nevertheless changing the use of the yard area will undermine the inherent rural qualities of the landscape in which the farm is set.

Overall, the proposed dwelling would detract significantly from the visual qualities of this area to the detriment of the landscape character of the Special Landscape and the West Pennine Moors area in which the application site is set, and visual amenity, contrary to policies EN9 - 'Landscape', EN9/1 - 'Special Landscape Areas', UDP EN1/1 - 'Visual Amenity' and OL7/2 - 'West Pennine Moors' of the UDP. The proposal also fails to accord with Policy H2/1 due to its harmful relationship with Ferns Farm house, and its proposed materials being unsympathetic to the traditional farmstead on which the dwelling would be sited, and the landscape in which it would be set, to the detriment of visual amenity and landscape character.

Parking and Highway Safety

UDP Policy H2/2 - 'The Layout of New Residential Development' concerns itself with the layout of new residential development. It states, that amongst other things, car parking provision and access for both vehicle and pedestrian access are important considerations. SPD11 sets out the minimum parking standards required for new developments.

UDP Policy HT2/4 requires all new development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards, set out in SPD11.

UDP Policy EN1/1 concerns itself with the design and appearance of developments. Amongst other things, it requires adequate access, parking and servicing provision be provided.

Paragraph 84 of the National Design Guide states *"how parking is arranged has a fundamental effect on the quality of a place or development"*.

Ferns Farm has a livery yard containing a number of stables to the west of the application site with the sand menage for the stables abutting the western boundary of the application site. The application site is served off an existing farm track accessed from the B6213 Turton Road which runs from the centre of Tottington to the A676 Bradshaw Road and Ramsbottom Road. The existing access track serves Ferns Farm and its livery yard and also nos. 1 and 2 Ferns Cottages, properties not associated with the farmstead.

The Highway Authority has been consulted on this application and consider that the current

access on to Turton Road is substandard in terms of arrangements at the junction with the highway and visibility from it. At peak times and in between, Turton Road is a high speed road. The Highway Authority consider that in view of the intensification of daily use of the existing site access by multiple residential occupiers, and the nature of the road, the proposal would result in conditions detrimental to highway safety. The Highway Authority have therefore recommended refusal of the application on this basis.

The initially submitted proposed Site Plan illustrating 4 car parking spaces proposed for the proposed dwelling. Two spaces would be parked parallel to the proposed rear elevation of the proposed dwelling, one parking space located under the balcony projection and one parking space proposed in the entrance to the existing access track leading to the livery yard and sand menage.

At the time of my site visit, a parked car was present adjacent to the southern elevation of the stable block. Another car was parked parallel with the rear of the farmhouse. I parked along the east elevation of the stable block. Following the site visit, the LPA thus requested details of existing and proposed parking provision for the occupiers of Ferns Farmhouse also be shown so the Council could assess whether sufficient and safe parking provision could be provided. Amended existing and Proposed Site Plans have therefore been received illustrating existing and proposed parking for the site and the proposed development.

These Site Plans illustrate echelon parking bays for 4 cars existing to the rear of the farmhouse serving the occupiers of the farmhouse, as existing and to be retained. The echelon parking shown was not in place at the time of my site visit and there is no evidence of this parking arrangement present on historical aerial imagery. There appeared to be insufficient space between the rear of the farmhouse to accommodate this arrangement and for existing occupiers to manoeuvre in and out of the space to the rear of the existing property into a forward gear.

As existing it would seem that the existing occupiers of the farmhouse have to reverse out onto the land adjacent to the north of the existing stable block which approaches the livery yard and sand menage. It is considered that the proposed echelon parking bays would also result in occupiers reversing out of them. The proposed parking provision for the development proposed would therefore be within the area where this reversing currently and as proposed would take place.

Due to this, and also the unknown numbers and frequency and parking locations for users of the Livery Yard, there appears that there would be shortage of safe parking spaces where parking spaces could all be safely entered and leaved in a forward gear without a conflict occurring between users of the livery yard, occupiers of the proposed dwelling, and existing occupiers of the farmhouse occurring.

The proposed parking provision for both the proposed development and existing farmhouse shown is considered to be inaccurate and unachievable without resulting in causing a conflict between existing occupiers and users of the Ferns Farm site. This is therefore considered to be substandard, and would result in a poor layout and further emphasises that the proposal does not meet the requirements of good design, as promoted within UDP Policy H2/2, the NPPF and the guidance contained within the National Design Guide.

It is acknowledged that additional land owned by the applicant is available within the blue edge, however, given the sloping nature of the site, which slopes downwards from the application site, engineering works would be required to extend the areas of hard surfacing and form a level area. This would lead to further urbanisation of the West Pennine Moors countryside area. This would be detrimental to visual amenity and landscape character.

To summarise; the parking provision proposed is unacceptable due to the inadequacy of

the parking layout and provision shown which would cause a conflict between users of the livery yard, and existing and future occupiers of Ferns Farm. Due to the this, the lack of passing spaces on the access lane itself and the proposed intensification of the existing substandard access onto Turton Road, the proposal would result in conditions detrimental to highway safety and fails to provide a well considered development.

Biodiversity

The application is located approximately 120 metres from the Woods at Bottoms Hall. The woods is present on historic mapping and is allocated with the adopted Local Plan as a Site of Nature Conversation Interest. Bottoms Hall Woods is classed as grade B in nature conversation quality, therefore UDP Policy EN6/2: 'Sites of Nature Conservation Interest (Local Nature Reserves or Grade B and C Sites of Biological Importance' states planning permission will not be granted which would damage either directly or indirectly the nature conservation interests of a site unless conditions can be imposed that would acceptably mitigate those impacts on biodiversity .

Paragraph 174 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 182 of the NPPF states "the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

Greater Manchester Ecology Unit, operated by Thameside Council, has been consulted on the proposal and has also been made aware that a Mature Ash Tree which was present on the raised land to the south of the existing stable building, close to where the bend in the access track leading between the existing stables building and the western gable of the farmhouse.

The application is supported by a Preliminary Ecological Appraisal (Verity Webster, November 2022) which identifies that the majority of the site is composed of hard standing and buildings with a small area of improved grassland sparse ruderal vegetation. This concludes that the habitat is of low conservation significance. It also considers that the development proposed would be no negative impacts on the biodiversity/ conservation interests of Bottoms Hall Site of Biological Importance anticipated but the applicants report recommends measures should be employed during works to minimise dust and noise from the application site travelling to this site of conservation/ biodiversity importance.

Turning back to the application site itself, the Ecological Appraisal identifies Badgers are likely to be in the wider area and avoidance mitigation is proposed to prevent harm to this species in the event they pass through the site. A Swallows nest was found in the stable block and the applicants report advises other bird species may nest in the nearby mature tree that has since been removed.

The Ecological Appraisal recommends compensatory measures for the loss of the swallow nest habitat within the stable in the form of enhancing the site for nesting birds and roosting bats and enhancement measures for bats. These can be secured via an appropriately worded planning permission.

Given the mature Ash Tree was present at the time of the applicants Ecologists survey, no mitigation is proposed relating to the loss of the mature Ash Tree. The Council's Ecologists consider the loss of this tree is a loss to biodiversity and therefore recommend mitigation for this tree are necessary and require that it be replaced on a 3:1 basis with either disease resistant Ash trees or alternatively local native species, such as Oak. The

replacement trees should be at least heavy standards, but preferably heavy standard.

To summarise, if the Council were minded to approve the application, planning conditions could be imposed to mitigate for the loss of the Ash Tree, the swallow nest and any dust mitigation suppression measures.

Planning Balance and Conclusions

The proposed development would be inappropriate development in the Green Belt which is by definition harmful. It would also be harmful to the openness and permanence of the Green Belt for the reasons identified. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

Due to the scale, design and massing of the proposed dwelling, the proposed dwelling would significantly harm visual amenity and would have a materially harmful effect on the landscape character and visual qualities of the West Pennine Moors and Special Landscape area in which the application site is set to the detriment of both landscape character and visual amenity.

The Highway Authority considers that the intensification of use of the site would result in conditions harmful to highway safety as the access point on to Turton Road, a high speed classified road, is considered to be substandard in terms of arrangements at the junction with the highway and visibility from it. Due to this and the unmade and unlit nature of the access track to the application site, and the nature of Turton Road, the site is also not well located to access daily services and amenities on foot.

The proposals also fail to demonstrate that sufficient car parking, servicing and turning facilities provision exists for existing occupiers, proposed future occupiers of Ferns Farm, the development itself and users attending Ferns Farm livery stables.

Regard has been had to the other considerations, and it is acknowledged that planning conditions could be imposed to both mitigate and enhance biodiversity and also that the Council does not have a 5 year housing supply, however, it is considered that these factors do not clearly outweigh the harm that has been identified to the Green Belt, visual amenity, landscape character and highway safety. Consequently, the very special circumstances necessary to justify the proposed development do not exist. The proposed development would therefore conflict with Policy OL1/1 of the Local Plan and the requirements of chapter 13 of the Framework which have been summarised above.

For all the reasons given, the proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would override the harms identified to the Green Belt, visual amenity, the landscape character of this area and to highway safety. It is therefore recommended that the application be refused.

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.

Where appropriate the council will seek to engage with applicants to resolve concerns over development proposals either before the application is submitted as promoted by paragraph 39, or during the consideration of the application as promoted by paragraph 38 of the

NPPF. However, in some circumstances it will not be possible to resolve these concerns and so a refusal of the application is necessary due to the environmental / social / economic harm that will be caused by the development as identified in the reasons for refusal. In these circumstances an application is refused to enable the overall speed and quality of the council's decisions within the agreed timeframe to be maintained.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development is located entirely within the Green Belt. It is considered to represent inappropriate development in the Green Belt as defined in NPPF and the Council does not consider there to be special circumstances that would outweigh the harm that will be caused to the Green Belt by reason of inappropriateness, and to the character and openness of the Green Belt as a result of the development. As such, the proposal would be contrary to the requirements of the National Planning Policy Framework and Policy OL1/2 of the Bury Unitary Development Plan.
- 2 The proposed development, by virtue of its siting, design, appearance, bulk, massing and materials would cause significant harm to the character and visual qualities of the West Pennine Moors and Special Landscape Areas and would fail to relate sympathetically to the traditional farmhouse. The proposed development would thus be detrimental to the landscape character and visual amenities of the area, contrary to Policies EN1/1, EN9/1 and OL7/2 of the Bury Unitary Development and the National Planning Policy Framework.
- 3 The proposal would result in the intensification of daily use of an access onto a high speed classified road that is sub-standard in terms of visibility and arrangements at the junction with B6213 Turton Road, which would be detrimental to highway safety. The proposal is therefore considered contrary to Policies EN1/2, H2/2 and HT6/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 4 As submitted the scheme fails to demonstrate that sufficient car parking, servicing and turning facilities provision exists for existing and proposed future occupiers of Ferns Farm, the development itself and users attending Ferns Farm livery stables. As such approval of the scheme would lead to conditions to the detriment of good design and highway safety. The proposed development is therefore considered contrary to Policies EN1/2, H2/2, and HT2/4 of Bury Unitary Development Plan, the National Planning Framework and the National Design Guide.

<u>Case Officer</u> CB 6/3/23	<u>Date</u>	<u>Sign off Officer</u> DM 6/3/23	<u>Date</u>
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