

DELEGATED REPORT

Report by Claire Booth	Date of report: 01/06/2023	Ref: 69178/FUL
Registration: 14/12/2022	LDfC: 02/02/2023	Expiry Date: 08/02/2023
Site Visit:	Site Notice: 23/01/2023	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIDW

Proposal: Demolition, conversion and extension of existing stable/livestock buildings to create 1 no. single storey dwelling with enclosed garden and parking

Location: Land at junction of Arthur Lane & Bury Old Road, Ainsworth, Bolton

Description

The application relates to a parcel of land approximately 80 metres north of the junction of Bury Old Road with Arthur Lane, Ainsworth.

Permission is sought for the demolition of two livestock buildings, and the conversion and extension of an existing stable building to create 1 no. single storey open-market dwelling with enclosed garden, parking provision and to formalise the access on to Arthur Lane.

The buildings sit close to the field's northern boundary. Immediately to the north, the boundary has mature trees and hedging with a field beyond. There is a boundary hedge along the Arthur Lane frontage.

The proposed development involves the conversion and extensions either side of the central prefabricated building and demolition of the agricultural buildings to the side and rear.

The proposed extensions on either side of the converted 'prefab' would comprise single storey mono-pitched, timber clad structures. Each would extend out to the side by 3.4m and run back 12.2m to form a U-shaped building with an enclosed garden on the north side.

Access would be taken from the existing access on Arthur Lane and visibility splays would require a short section of hedging to be cut back either side of the access point. There would be parking for two cars provided on hardstanding immediately to the south of the building. The proposed curtilage includes the building, enclosed garden, the parking area and driveway.

The site is located within the boroughs West Pennine Moors countryside area, on land allocated as both Green Belt and as a Special Landscape Area, within the adopted Development Plan. The site is also within the Coal Authority Development High Risk Area and within a Mineral Safeguarding Area.

Relevant Planning History

64967:Demolition, conversion and extension of existing stable/livestock buildings to create 1 no. single storey dwelling with enclosed garden and parking. Approved with conditions, 19/02/2020. - Pre-Commencement Conditions not discharged and approval not implemented.

Publicity

Adjoining neighbours notified and a site notice was erected on the gatepost at the entrance to the site. 4 representations have been received.

The objections received from 3 local neighbours raise the following issues:

- This is not a suitable building for conversion as it will require complete demolition.
- Increasing vehicles entering and existing the site.
- Any garden should have agricultural appearance and should be discouraged.
- Visual impact is from Craigside and Belmont House, also on Delph Lane the Hey Club Row Cottages (i.e. "Ainsworth Conservation Area"), would suffer significant visual impact.
- The footpath is frequented by the public walkers who invariable pause to enjoy the view across the fields behind Hey Club Row.
- Clearly, to demolish the low height stable sheds and build residential property along with car parking, garden, wheelie bins etc., (i.e., this proposal) would ruin this view.
- Concerned about the site already flooding and safety of future occupants

The letter of support states:

"I support this application, it has already been passed by the planning dept a couple of years ago as suitable for a residential conversion, it will transform what is now an untidy cluster of old buildings. There are no changes to the plans passed previously so I can't see why there have been objections this time around."

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to planning conditions.

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

Environmental Health - Contaminated Land

Planning Policy Manager - No comments or observations received.

The Coal Authority - No objections, subject to conditions requiring no works commencing on the site until intrusive site investigation works and any necessary remediation have taken place and that prior to occupation of the development any remediation works have been verified by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development.

Mineral Safeguarding - No objections.

Pre-start Conditions - Not applicable.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/5	Waste Water Management
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD11	Parking Standards in Bury
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.

Principle of Development

Permission is sought for the demolition of two agricultural buildings, and to convert and extend the timber framed aluminium alloy pre-fab structure to an open market/ unrestricted dwelling.

The sites' location in the Green Belt

The site is located on land allocated within the Unitary Development Plan (UDP) as Green Belt on the parcel of land located at the corner of Bury Old Road and Arthur Lane.

The National Planning Policy Framework (NPPF/ 'the Framework') 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. UDP Policy OL1 reflects the requirements of the Framework.

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.

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."

Policy OL1/4 of the UDP supports the conversion and re-use of buildings in the Green Belt, subject to, amongst other things, the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction.

A Structural Survey initially accompanied the application which was undertaken in 2019. This advised that some original roof trusses and those that are missing from the roof structure would have to be replaced, the concrete floor on which the pre-fab building stands will have to be dug up and replaced and with a new concrete slab with underfloor insulation and damp proof membrane, and that the individual aluminium wall panels will need to be repaired where necessary, either in situ, or removed from site and repaired in a local body shop. The aluminium panels would be resealed and primed to receive a new spray paint finish. Whilst the above was stated in 2019 due to the report being out-of-date for planning purposes, and also carried out by a Planning Consultant and not someone, who has suitable qualifications to assess the structural stability of buildings. The report could therefore not be relied upon.

At the time of the LPAs initial site visit, the appearance of the Pre-fab building appeared to have deteriorated considerably from the photo included on the 2019 survey and the consequent approval of application 64967 for the conversion and extension of the building as currently proposed. The applicant was therefore invited to provide an updated Structural Survey, that was carried out by a suitably qualified professional.

An updated Structural Survey, dated April 2023, carried out by a Structural Engineer has therefore been submitted to the LPA. Although this survey has been undertaken by a Structural Engineer, the LPA considers that the survey fails to evidence that the building to be retained/ converted, is structurally sound. It provides no examination of the buildings fabric, and it also does not include an assessment of the timber decay within the fabric of the building that is identified. In addition, the submitted Structural Survey identifies movement within the building but does not identify the cause of the movement, nor does it confirm how the building would be brought up to current residential standards. This leads the LPA to conclude that the building proposed is not capable of being converted without major or complete reconstruction, contrary to the requirements of UDP Policy OL1/4. The proposal would therefore be tantamount to a new building being erected in the Green Belt. On this basis, paragraph 149 of the Framework sets out that the construction of new

buildings 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
- 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.

The application building, which is considered to be tantamount to a new build and would be replaced, has been used for the stabling of horses. Stable buildings, in cases like this, are considered to constitute Previously Developed Land, as defined within the NPPF's Glossary. They therefore can be counted as one of the exceptions allowed by Paragraph 145 of the Framework, specifically criterion g.).

The first limb of the exception under criterion g.) requires proposals to not have a greater impact on the openness of the Green Belt than the existing development. The existing stables buildings has a floor area of approximately 65.7 sq.m, and volume of 180 cubic metres. In contrast the proposed dwelling would have a floor space of approximately 144 sq.m and a volume of 443 cubic metres. The proposed dwelling would thus be approximately 112.7% larger in floor area and 146% larger in volume than the existing stables building. 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 which, by definition, is harmful to the Green Belt. This harm to the Green Belt will therefore be given substantial weight in the decision.

Openness of the Green Belt

Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.

Bearing in mind that agricultural buildings and mixed horticulture/ agricultural used buildings, proposed to be demolished, are excluded from the NPPF definition of Previously Developed Land, the proposed development would represent an increase over and above the stable building by approximately 112.7% in floor area and an increase of 146% in volume over and above the existing stables building (classed as PDL). The development is therefore considered to have a detrimental impact on the openness and permanence of the Green Belt, contrary to Paragraphs 136.

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.

Sites Accessibility to Services and Amenities

The application site is located approximately 700m from Ainsworth Local Shopping Centre. The shopping centre has limited services and amenities, with much of the defined Local Centre being residential.

Notwithstanding this, the 511 bus that runs between Bolton and Bury Town Centre can be caught on Bury Old Road, close to the junction of Arthur Lane, approximately 180m from the proposed dwelling. This bus runs hourly. This would enable occupants to access the services and amenities available within Town Centres and demonstrates that the future occupiers would not need to be solely reliant on the private motor car to access services and amenities.

Impact on Heritage Assets

The boundary of the Ainsworth Conservation Area lies over a 100m to the east, on Delph Lane.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The setting to the conservation area from Arthur Lane/ the application site is rural. Given the nature and scale of development, the proposal would have no significant impact on the

character and appearance of the conservation area.

Visual Amenity

The application site is set within the boroughs allocated West Pennine Moors countryside area, on land allocated as both Green Belt and as a Special Landscape Area.

The character of this immediate locality is rural, with traditional farmsteads and outbuildings. The existing buildings on the application site, whilst in a run downs state, are akin to the types of buildings found in rural areas.

The proposed replacement would be flanked on either side by single storey mono-pitched structures with timber cladding. The proposal would reflect the character and appearance of the original structure with reference to its current mixed horticulture and agricultural use.

The bespoke design and timber clad finish to the extensions give the new build a more temporary/agricultural appearance with the distinctive mono-pitched roofs visually 'breaking up' the massing whilst maintaining a single simple form. The proposed design and materials are considered appropriate and in keeping with the site and surroundings and would not be a prominent feature within the landscape. Considering the proposals would effectively result in a new building, ensuring suitable roofing, walling, windows and all other materials for the dwelling could be secured by a suitably worded planning condition.

The siting, design and massing of the proposed development, with a modest curtilage and native screen hedging, would reflect the scale of the existing buildings and the character of the surrounding area.

The proposal has been orientated so that the main domestic area would be sited between the two wings of the building, which would face towards the north of the site. There are some views of this elevation from Public Right of Way 41CC, located on higher land to the north of the site, over the boundary hedgerow and through gaps in the boundary hedge. Provided the gaps in the hedgerow are filled in, which could be secured by conditioning the submission of a landscaping scheme, this would mitigate the visual impact of domesticating this parcel of land and any associated domestic paraphernalia associated with the proposed dwelling.

The proposed residential curtilage would be relatively tightly drawn around the new building and new native hedge planting on either side of the site and at the top of the drive, together with existing boundary planting and providing an amended landscaping scheme, would help screen and soften the building when viewed from the public arena, including the two adopted highways and the Public Right of Way, located on higher land to the north of the site.

To facilitate the domestic use of the land only a small section of boundary hedging either side of the access on Arthur Lane would need to be cut back to accommodate visibility splays. The new hedging, retention of the existing hedgerow and a landscaping scheme appropriate to this countryside area could be secured via planning condition.

Although, a formalised entrance and track to the site would cause a sense of domestication to occur at the site, planning conditions could be secured, securing sensitive hard and soft landscaping.

Subject to the recommended planning conditions, the proposal is considered to comply with UDP Policies EN1/1 Visual Amenity, EN9/1 Special Landscape Areas, and OL7/2 West Pennine Moors.

Ecology

The existing hedging along Arthur Lane and across the rear of the site would be retained

and the additional planting would both screen the development and improve the ecology of the site. The buildings have negligible potential for roosting bats and there is no foreseeable impact from the development on bats although it is reasonable to attach an appropriate informative should evidence of bats be found. The proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

Parking and Highway issues

The site is located close to the junction of Arthur Lane and Bury Old Road. The proposed development would utilise the existing access point onto Arthur Lane, the B6196, and appropriate levels of visibility are proposed to be provided. Appropriate parking for two vehicles and turning facilities are also proposed to be provided within the site and the proposed traffic generated would be negligible compared to the existing use of the land for horticultural and agricultural purposes.

The Traffic Section has no objection to the proposal, subject to the imposition of conditions requiring; a construction management plan, the resurfacing, or the control of loose materials, off the site access, between Arthur Lane and the proposed gate position, and for the turning area and car parking provision to be implemented and maintained and requiring visibility splays to be implemented and maintained. Subject to their recommended planning conditions, the proposals would comply with the Council's adopted parking standards and the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Servicing

Refuse storage bins would be stored at the rear of the parking area and screened by new hedging and collection would be from Arthur Lane. This could be secured by planning condition.

Flood Risk and Drainage

The application site is shown on the historic maps as 'sinks' which reflects why the site is currently waterlogged and suffers from surface water flooding. A planning condition could be imposed to ensure that Surface Water drainage is dealt with on site.

Planning Balance and Conclusion

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, as the Council does not have a 5 year deliverable housing supply, the 'titled balance' applies, and planning permission should be granted unless the above points Paragraph 11(d), i or ii apply.

The LPA considers that agricultural buildings, two of which are proposed to be demolished, are excluded from what is considered to be Previously Developed Land by the NPPF and also considers that since approval of application no. 64967 the building has deteriorated and the building proposed to be converted would require substantial work to make it fit for habitation and therefore it is considered the proposal would be tantamount to a new building in the Green Belt. For this reason, paragraph 149g.) of the NPPF requires proposals to not be materially larger than any building they replace. It is clear that the proposals would represent an increase over and above the existing stable building by approximately 112.7% in floor area and 146% in volume over and above the existing

stables building (classed as PDL). The proposals therefore are not classed as one of the exceptions listed in paragraph 149 of the NPPF and is therefore, by definition, is inappropriate development in the Green Belt.

The NPPF is clear that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 148 of the NPPF states:

“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 148 of the NPPF)

No specific very special circumstances have been put forward. However the applicant contends that planning permission should be granted as per the previous approval of effectively the same proposals by application 64967, approved with planning conditions on the 19 February 2020. It is clear that since that time, the structure of the stables building has deteriorated and it is clear that the building proposed to be converted and extended is not capable of being converted without major or complete reconstruction, contrary to Policy OL1/4 of the UDP.

The previous approval has also not been implemented by the applicant, and the pre-commencement conditions relating to contaminated land and coal mining risk investigations, surface water drainage, construction traffic management, and implementation of visibility splays, associated with the previous approval, were not discharged by the applicant and neither were they submitted to the LPA to be discharged. This previous approval is therefore given minimal weight in this decision and does not constitute the *very special circumstances*, required by paragraph 148 of the NPPF .

Whilst the Council does not have a 5-year housing land. The provision of one dwelling would have limited economic, social or environmental benefits. These limited benefits would not override the harm to the Green Belt.

For all of the above reasons, the proposal would result in harm to the permanence and openness of the Green Belt and it is therefore recommended that the application be refused.

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 the National Planning Policy Framework and the Council does not consider there to be very 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 Policy OL1/2 and OL1/4 of the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB 1/6/23		DM 1/6/23	