

DELEGATED REPORT

Report by Helen Pressley	Date of report: 16/05/2025	Ref: 71808/FUL
Registration: 31/03/2025	LDfC: 16/05/2025	Expiry Date: 26/05/2025
Site Visit: 24/04/2025	Site Notice: 24/04/2025	Press Date: 17/04/2025
Objections: 0	Con Area: HOLC	Adv Type: LBCA
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: HOUS

Proposal: Erection of single storey annexe

Location: Higher House, Moor Road, Holcombe, Bury, BL8 4NX

Description

The application relates to a detached dwelling house located on Moor Road. The premises is Grade II Listed and located within Holcombe Village Conservation Area and the Green Belt. The dwelling is located in a prominent position within the street scene, and is clearly visible from Moor Road and Lumb Carr Road. The premises is a former Public House and is one of 13 Listed Buildings within the Conservation Area.

The listing for the dwelling states that the building is an early 18th Century, 2 1/2 storey coursed rubble property with two later extensions and a 19th Century porch. The dwelling is an imposing 2 storey building living accommodation in the roof space and a part basement. The dwelling is built from traditional course stone, with ashlar masonry features including tall brick built gable chimneys covered by stone flags, stone quoins, stone cills, heads and jambs. In 1820 the building was extended by a 2 storey extension which has a plaque and date stone of 1820 on the north gable.

More modern additions have also been added, including a double garage and courtyard area to the south that are accessed through double gates. The insertion of these double gates included removal of part of the boundary wall that fronts Moor Road that was attached to the main dwelling house. The dwelling has also recently undergone refurbishment that included replacement windows, replacement/repair of stone work, replacement and repairs of the roof and chimneys, repointing, replacement flooring, replastering and generally modernisation and redecoration.

Planning Permission and Listed Building Consent is sought for the erection of single storey annexe to the side of the existing Listed Building, fronting Moor Road. The proposed annexe would comprise of a living room, bedroom, kitchen/diner and bathroom with an yard area to the side. The proposed annexe would be constructed from random stone walling and reclaimed slates.

Relevant Planning History

47758 - LBC - Construction of new double garage and alterations to stone boundary wall to form vehicular access - Approve with Conditions 01/05/2007

47775 - New garage; alterations to boundary wall - Approve with Conditions 01/05/2007

60300 - Re-roofing to include renewal of lead work, repair of chimneys and 5 no. replacement timber dormer windows - Approve with Conditions 30/09/2016

60301 - Listed building consent for re-roofing to include renewal of lead work, repair of chimneys and 5 no. replacement timber dormer windows - Approve with Conditions 30/09/2016

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60971 - Refurbishment and remodelling to include replacement windows, works to external elevations and internal alterations - Approve with Conditions 21/04/2017

60972 - Listed Building Consent for refurbishment and remodelling to include replacement windows, works to external elevations and internal alterations - Approve with Conditions 21/04/2017

61906 - Listed building consent for remedial restraint of front elevation wall and window panels - Approve with Conditions 02/11/2017

63022 - Variation of condition no. 2 (approved plans for listed building consent ref: 60972) for retention of stainless steel window frames with 28mm double glazed units. - Approve with Conditions 29/10/2018

63065 - Variation of condition no. 2 (approved plans for planning application ref: 60971) for retention of stainless steel window frames with 28mm double glazed units. - Approve with Conditions 29/10/2018

65056 - Removal of existing vehicular access gates, stone pillars and curved wall; Construction of new curved wall in its original configuration attached to the main house; Widening of existing double gates adjacent an outbuilding; Provision of outdoor car parking; Refurbishment of the outbuilding for use by locals as a communal bin store - Approve with Conditions 10/09/2020

65057 - Listed building consent for removal of existing vehicular access gates, stone pillars and curved wall; construction of new curved wall in its original configuration attached to the main house; widening of existing double gates adjacent an outbuilding; provision of outdoor car parking; refurbishment of the outbuilding for use by locals as a communal bin store. - Approve with Conditions 10/09/2020

68241 - Extension, alteration and remodelling of outbuildings to form a family annexe - Approve with Conditions 04/11/2022

69042 - Listed building consent for extension, alteration and remodelling of outbuildings to form a family annexe - Approve with Conditions 09/12/2022

69421 - Erection of freestanding timber garden room and increase in height of the boundary wall - Withdrawn by Applicant 26/06/2023

69422 - Listed building consent for erection of freestanding timber garden room and increase in height of the boundary wall - Withdrawn by Applicant 26/06/2023

Enforcement

18/0148 - Windows installed not in accordance with the approved plans - 16/09/2019

18/0362 - Erection of wall - 25/02/2019

19/0292 - Storage containers on site - 02/12/2019

23/0009 - Breach of pre - commencement condition nos 3 & 6 of planning approval 65056 and condition no 3 of listed building consent 65057 - 30/10/2023

23/0293 - Unauthorised demolition of listed building - 29/07/2024

Publicity

Neighbour letters 15/04/2025

Site Notice 24/04/2025

Press Notice in the Bury Times 17/0/2025

No representations received

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - Conditions requested in relation to unexpected contamination and imported soil.

Conservation Officer - No Objection

Listed buildings - National Amenity Societies - No comments received

Public Rights of Way Officer - No comments received

Pre-start Conditions - Agreed by agent

Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
OL7/2	West Pennine Moors
H2/3	Extensions and Alterations
JP-G9	The Green Belt
JP-P2	Heritage
JP-G1	Landscape Character
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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), 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)

Paragraph 153 of the NPPF confirms when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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 154 of the NPPF regards the construction of new buildings in the Green Belt as inappropriate development: 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), including buildings, 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 (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial

construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

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.

UDP Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages.

This is further supported by Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt which state that extensions of existing dwellings should not result in disproportionate additions over and above the size of the original dwelling. To assist in what can be considered to be disproportionate SPD 8 considers additions of up to a third (33%). However, that is not to say something larger, or smaller than 33%, would not be supported as each case is considered on its own merits.

The proposal therefore may be acceptable if it can be demonstrated that the proposed extension would not result in an addition that is considered to be disproportionate in relation to the original dwelling..

Impact on Green Belt

In order to assess the proposal in relation to the impact on the Green Belt the applicant has provided the following volume calculations:

Volume of Higher House as existing in 1948 =1,805m³

Volume of additions since that date, which is the double garage to the south of the house =189m³ (10.4% of 1948 building)

Volume of the current proposal =282m³ (15.5 % of 1948 building)

Volume of 2 and 3 =471m³ (23.5% of 1948 building plus additions (1994m³ in total)

It would therefore appear that the proposed additions would be in accordance with SPD 8 guidance and would comply with exception c of paragraph 154 of the NPPF. It is also acknowledged that the proposed annexe would replace previous outbuildings at the site that collapsed.

Heritage and Layout and Design

The application site is a listed building and within Holcombe Village Conservation Area. As the site is located within the Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP in that the Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas. PfE Policy JP-P2 - Heritage also applies, and ensures that the LPA will work proactively to conserve, sustain and enhance our historic environment.

As Higher House is also listed these policies are further supported by UDP Policy EN2/3 Listed Buildings requires the Council to actively safeguard the character and setting of Listed Buildings, not permitting works, alterations or changes of use which would have a detrimental impact on the historical character or features of the building.

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Paragraph 207 of the NPPF states that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving a listed building or its setting or any feature of architectural or historic interest it possesses. The decision maker must also give considerable importance and weight to the desirability of preserving the setting of the listed building.

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The applicant has provided a Statment of Significance and Heritage Impact Assessment Statement in support of the application that provides provides information in relation to the background of the site and as assessment of significance that reviews the history of Holcombe, architecture and appearance of Higher House, other Listed Buildings and NDHAs within the village, the Conservation Area and the original outbuildings that this application seeks to replace.

This statement acknowledges that the outbuildings were a concentrated and complex group of cell like enclosed spaces, yards, and boundary walls of mixed condition, walling types and periods some possibly contemporary with the main buildings. The Moor Road elevation demonstrated a simple and quirky appeal. These buildings had a function in support of the former public house or dwelling house and added to the understanding of life in the village. Their loss leaves a hole in a prominent position in the village which is harmful to the significance of the listed building, and to the setting of the village core and the character of the conservation area. Their location along one of many early roads and tracks bring that loss to the attention of the many walkers who visit Holcombe.

On balance therefore, given the harm that the loss of the outbuildings presents to the Listed Building and Conservation area it is considered their replacement would be acceptable in principle.

The proposed annexe is principally viewed from the south within Holcombe Village including Lumb Carr Road (with very limited acute view) and Moor Road. The proposed additions would be of a simple design, replicating the form of the listed building. The proposed windows facing towards Moor Road are of varying sizes providing a rural aesthetic appropriate to the sensitive location within the Conservation Area. It is considered that the additions to the building would be in keeping with the existing dwelling and would not lead

to incongruous, or alien additions. Existing materials should be re-used where possible and replacement materials should be from natural matching stone including the stone slate roof. These details can be secured via condition.

Annexe

SPD 6 states that proposals to build a supplementary family annexe will be considered on the individual merits of each scheme. In addition, annexes should:

- normally be physically connected to the main property with a direct interior link;
- remain ancillary to the original dwelling at all times;
- not have separate vehicular access;
- only have one bedroom; and
- be appropriate in scale and position in relation to the plot and original dwelling.

The proposed annexe can be accessed via an internal courtyard adjacent to the main dwelling and through a gate that fronts Moor Road. This relationship to the main dwelling more closely resembles the outbuildings that were lost and as such a physical connection to the main dwelling would not be appropriate.

The annexe would not have a separate vehicular access or parking and would have only one bedroom. A condition can be attached to restrict the use to ensure that the annexe is ancillary to the original dwelling at all times, particularly as the context site layout suggests that the proposal is a new dwelling house.

Residential Amenity

SPD 6 and H2/3 seek to reduce the impact of proposals on the residential amenity of neighbouring properties.

2no. habitable room windows are located within the front elevation relating to the proposed living room area. These windows are separated from Hart Lees by the public right of way that runs along the front of the site, and would face towards a gable elevation of this property rather than a principal elevation. The 2 other windows within the front elevation are non-habitable rooms. Any other windows/doors associated with habitable rooms have a direct relationship with the host dwelling.

Highways and Parking

Policy H2/3 and SPD 6 seek to maintain highway safety and ensure that visibility for pedestrians, cyclists and drivers of motor vehicles are considered in relation to house extensions and alterations. Bridleways 27Ram and 28Ram are located adjacent to the site. As such UDP Policy RT3/3 - Access to the Countryside is applicable as it requires the Council to seek to improve and extend the existing network of Public Rights of Way.

Appropriate barriers and or closures may be required to allow the construction of the proposed annexe. An informative will be included on any permission to ensure that the applicant is made aware of the need to safeguard people using public rights of way and that no public rights of way are damaged, widths altered, gates erected across their width (unless authorised by Bury Council the Highway Authority) or obstructed by any other means either during or as a result of development.

If a temporary obstruction of public rights of way is unavoidable, no development must take place until a temporary closure order has been made by Bury Council and a suitable temporary alternative route(s) made available.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify

various solutions during pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered R-0565-SLP, R0565 - SK102 Rev A, R0565 - SK103, R0565 - SK104, R0565 -200 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The development hereby approved shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as Higher House.
Reason. To ensure the proposed use remains ancillary to the principle use on the site.
- 4 The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 5 Any soil or soil forming materials to be brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use.
Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to the Local Planning Authority for approval prior to any soil or soil forming materials being brought onto site.
The approved contamination testing shall then be carried out and validity

evidence (soil descriptions, laboratory certificates, photographs etc.) submitted to Local Planning Authority for approval prior to the development being brought into use.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

- 6 The roof slope covering of the development hereby approved that would face Moor Road shall be constructed from the reclaimed natural stone slab of the previously existing out building in accordance with the submitted Planning Statement dated March 2025. Any additional natural stone slab requirement shall be approved in writing by the Local Planning Authority before its use. The rear facing roof slopes of the development hereby approved shall be natural slate in accordance with the submitted Planning Statement dated March 2025 and approved in writing by the Local Planning Authority before their use. Only approved materials shall be used.
Reason. To preserve the setting of the grade II listed Higher House and the character and appearance of the conservation area pursuant to Development Plan Policies EN2/3 - Listed Buildings, EN2/1 - Character of Conservation Area, EN2/2 Conservation Area Control, the National Planning Policy Framework, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7 The external finishes of the elevations and boundary wall of the development hereby approved facing Moor Road and visible in the street scene shall be constructed from the reclaimed natural stone from the previously existing outbuilding in accordance with the submitted Planning Statement. Any additional natural stone requirement shall be approved in writing by the Local Planning Authority before it is used. The stone shall be random coursed in accordance with the Planning Statement dated March 2025 and a sample panel approximately 2m x 2m shall be approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials shall be used.
Reason. To preserve the setting of the grade II listed Higher House and the character and appearance of the conservation area pursuant to Development Plan Policies EN2/3 - Listed Buildings, EN2/1 - Character of Conservation Area, EN2/2 Conservation Area Control, the National Planning Policy Framework, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8 Sample(s) of the proposed stained timber high performance window frames, with slimline double or single glazed units shall be approved in writing by the Local Planning Authority before the development is commenced. A window reveal set back of between 25mm and 75mm, or otherwise agreed with in writing by the Local Planning Authority shall be confirmed with window reveal set back section detail. The development shall be implemented in accordance with the agreed details.
Reason. No details of the proposed windows has been submitted as part of the application and to preserve the setting of the grade II listed Higher House and the character and appearance of the conservation area pursuant to Development Plan Policies EN2/3 - Listed Buildings, EN2/1 - Character of Conservation Area, EN2/2 Conservation Area Control, the National Planning Policy Framework, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9 The proposed boundary wall gates and external doors shall be of stained plain timber, details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Only the approved materials shall be used in construction of the development.

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Reason. No details of the proposed gates or doors have been submitted as part of the application and to preserve the setting of the grade II listed higher house and the character and appearance of the conservation area pursuant to Development Plan Policies EN2/3 - Listed Buildings, EN2/1 - Character of Conservation Area, EN2/2 Conservation Area Control, the National Planning Policy Framework, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	16/05/2025	HL	22/05/25