

DELEGATED REPORT

Report by Tom Beirne	Date of report: 23/04/2024	Ref: 70580/FUL
Registration: 11/03/2024	LDFC: 10/04/2024	Expiry Date: 06/05/2024
Site Visit: 19/03/2024	Site Notice: 19/03/2024	Press Date: N/A
Objections: 6	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Replacement of stable with 1 no. detached dwelling

Location: Land opposite 41 Arthur Lane, Ainsworth, Bolton, BL2 5PR

Description

The application relates to an existing 3-bay stable block with a footprint of 55sqm (including overhang), constructed in painted breeze block with a tiled roof, sitting within a plot (approximately 500sqm) of land on the south side of the access road serving the properties to the north. The site is bounded by a timber post and rail fence. The existing stable block is positioned at the back of the plot, adjacent to the boundary on the south side. The applicant, residing in the dwellinghouse across the access road, owns a small triangular piece of land to the east and a larger area of grassed land to the west. To the south of the site is an open paddock. To the south east is a small stable block which also has an access onto the private road. The site lies within the Green Belt and is a Special Landscape Area.

Vehicular access from Arthur Lane is via an unadopted and unnamed private road. A public footpath (number 45CC) runs through the garden of the house to the unnamed road that runs past the site. The route of the footpath is shown on the submitted site plan.

The proposal involves demolishing the existing stable block and constructing a two storey dwelling on the site. The new house would be centrally located on the site and have a rectangular footprint (11m by 7m) with a small two storey outrigger on the south/rear elevation and a porch on the front/north elevation. The external walls would be pitch faced natural stone with natural stone quoins. The roof would be natural blue slate.

The access into the site would be as existing and would be taken from the existing private access road. There would be parking for three cars and space for turning formed at the side of the building.

It is noted that a recent appeal decision granted planning permission for the conversion of the stable building to a single storey dwelling with a single storey extension on the north side to create an L-shaped structure.

Relevant Planning History

02308/E - Increase single storey extension to full height on existing property and convert stables to accommodation or offices - Enquiry completed 02/07/2019

65562 - Conversion of stable to dwelling with single storey extension - Refuse 23/07/2020

67550 - Conversion of stable to dwelling with single storey extension - Refused 06/12/2021.
Appeal allowed 22/07/2022.

Publicity

Immediate neighbours notified by letter dated 15/03/2024. Site notice posted 19/03/2024.

Objections from local residents and the community association are summarised below:

- Detrimental impact on the Green Belt and should not be allowed.
- The new dwelling is out of keeping with the site, materially larger than the stables and is

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- contrary to green belt Policy.
- Detrimental impact on ecology and wildlife habitat.
- Highway safety issues.

Comments have also been received in support of the proposal and summarised:

- The stables are an eyesore.
- The new building would improve the appearance of the area.
- There are other barn conversions on the area.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Drainage Section - No objection.

Environmental Health - No objection.

Waste Management - No objection.

United Utilities - No objection.

Greater Manchester Ecology Unit - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

PFE	Places for Everyone
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
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
EN1/3	Landscaping Provision
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
EN7	Pollution Control
NPPF	National Planning Policy Framework
SPD11	Parking Standards in Bury
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
OL1/3	Infilling in Existing Villages in the Green Belt

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Background - The same applicant submitted an application (67550) to convert and extend the existing stable on the site to a dwelling. Planning permission was refused in December 2021. The subsequent appeal was allowed in July 2022.

Principle (Green Belt) - Paragraph 152 indicates that inappropriate development is, by definition, harmful to the Green Belt except in very special circumstances. It goes on to state that planning authorities should ensure 'substantial weight' is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

Paragraph 154 of the National Planning Policy Framework (NPPF) states that local planning authorities should regard construction of new buildings in the Green Belt as inappropriate. Exceptions to this are:

- a) buildings in agriculture or forestry;
- b) facilities for sport/outdoor recreation;
- c) extensions to buildings that are not disproportionate;
- d) replacement of a like for like building in the same use;
- e) infilling in villages;
- f) limited affordable local community housing;
- g) limited infilling or partial /complete redevelopment of previously developed land which would not have a greater impact on openness or cause harm to openness of the Green Belt and contribute to affordable housing need.

Unitary Development Plan Policy H1/2 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

The main issues are

- whether or not the proposal would be inappropriate development in the Green Belt,
- the effect on the character and appearance of the area and
- if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

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

The applicant states that the site should be considered as 'infill' as referred to within Policy OL1/3 Infilling in Existing Villages in the Green Belt.

Policy OL1/3 states that, in all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings. Ainsworth is a named village within the UDP.

The applicant argues that the development should be considered as 'infill' and that both the NPPF and unitary Development Plan allows limited infilling in villages, so long as it does not have a greater impact on the openness of the Green Belt than the existing development. The applicant states that the site is an infill plot within Ainsworth village and when consideration is given to the surrounding two storey dwellings and the extant permission of the site itself.

Turner v Sec of State and Green Belt - With regard to the concept of 'openness', the supporting statement refers to the High Court case of Turner v Secretary of State for Communities and Local Government and ANONR (2016) where the judge concludes at paragraph 14 that the concept of openness of the green belt is not narrowly limited to a volumetric approach. 'The word openness is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case' (Paragraph 15) 'The question of visual impact is implicitly part of the concept of openness of the Green Belt as a matter of the natural meaning of the language used in paragraph 89 of the NPPF'.

In response to the applicant's arguments that the proposal would not impact on the openness of the Green Belt, the nature of the site and surroundings are critical in any assessment of openness. Whilst openness shouldn't always be based on a narrow volume approach, this particular site, set apart from houses across the private road and surrounded by open countryside, has semi-rural, open character. And whilst it could be argued that a significantly smaller property such as the converted dwelling, approved on appeal in 2022, could sit relatively comfortably on the site, a larger two storey property would have a much greater, and seriously detrimental impact on openness.

In relation to the development being deemed 'infill', this not considered the case. The site is not within what would be termed the village of Ainsworth, rather adjacent to an outlying group of properties. Even if it were under the wider concept of a village, the proposal would not, in any sense of the term, be considered as infill.

The new two storey dwelling would therefore be contrary to the NPPF, PfE, UDP and associated guidance and would be unacceptable within and seriously detrimental to the character and openness of the Green Belt.

Very Special Development - The applicant states that VSC are as follows:

There proposal is a replacement of an approved dwelling.

The new dwelling, whilst larger, would represent infill development and would not appear out of keeping with nearby two storey dwellings in the light of the 'Turner' case.

Design, layout and Visual Amenity - Whilst the smaller converted former stable block, with its characteristic low profile would have a limited impact visually, the impact of a large two storey dwelling would be significantly greater, particularly set against the open land to the south, west and east.

Whilst the finishing material of stone and slate would not be out of keeping with the finishes to other properties in the area, the proposed two storey dwelling, sitting out on its own on the south side of the access road would be prominent and appear particularly incongruous and have a seriously detrimental impact on the visual amenity and character of the area with its surroundings.

The proposed development would be a prominent and incongruous feature within the locality and would not be in accordance with the NPPF, PfE and UDP Policies EN1/1 and EN1/2 and guidance within SPD9 and SPD10.

Impact upon residential amenity - Given the siting of the proposed dwelling in relation to the nearest residential properties on Arthur Lane over 30m to the north, there would be no significant impact on these neighbours.

With regard to impact on future occupiers of the property, the stables to the south east would be a sufficient distance away and with planting along the boundary, there is unlikely to be any serious impact. Whilst there is a paddock on land immediately to the south of the site, this would be considered normal in a rural setting and would not have a seriously detrimental impact on amenity.

Given the siting and layout, the proposal would not have a serious impact on residential amenity and complies with UDP Policy OL1/4.

Impact on Public Rights of Way - The proposed development would not have an impact on the public right of way which effectively runs along the unadopted road in front of the site.

Ecology and Landscaping - The NPPF states that the planning policies and decisions should contribute to the natural and local environment. The site is not of particularly high ecological value. Although some self-seeded shrubs and a couple of small fruit trees would be removed, potential ecological issues remain unchanged and include bats, nesting birds and biodiversity mitigation and enhancement.

No evidence of bats was recorded in the survey undertaken and there are no reasons to doubt the findings of the report. According to GMEU, there are unlikely to be any other significant ecological issues associated with this development.

The proposed development would not cause serious harm to the local ecology or any protected species. The proposal would therefore be acceptable and would be in accordance with the NPPF, PfE and Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Traffic and access - The access from the site onto the private access road is acceptable and previous concerns about visibility from the access road onto Arthur Lane were addressed in the previous appeal decision and now considered acceptable.

The proposal is acceptable and there are no objections from the traffic team and complies with UDP Policy H2/2 The Layout of New Residential Development in relation to access.

Drainage - The proposal includes a permeable hardstanding for parking and turning with surface water draining to a soak away. Foul drainage would be dealt with via a septic tank. This arrangement would be generally acceptable but subject to a condition requiring details

of both surface and foul water drainage to be submitted for approval. This would be acceptable and comply with UDP policy.

Servicing - Bins would be stored within the curtilage with collection from the access road as with other properties nearby.

Carbon Reduction - A statement has been provided indicating that the development would satisfy Part L of Building regulations 2022 in regard to energy efficiency. An electric vehicle charging point would be provided within the site in line with PfE Policy HJP-S2 Carbon and Energy.

Digital Connectivity - Full internet connectivity would be provided within the site in line with PfE Policy JP-C2 Digital Connectivity.

Objections - The objections, where relevant, have been addressed in the above report.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed new dwellinghouse is considered inappropriate development within the Green Belt and the applicant has failed to demonstrate very special circumstances which would outweigh the harm which would be caused to the openness of the Green Belt due to the disproportionate size, scale and volume which would be created by the proposed development and as such would be seriously detrimental to the character and openness of the Green Belt and contrary to the principles of paragraph 154 of the NPPF, Places for People and the Bury Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt, OL5/2 - Development in River Valleys and SPD8.
- 2 The proposed development would, by reason of its siting, size and design, appear particularly incongruous within the immediate vicinity and would therefore, be seriously detrimental to the character and visual amenities of the area. The proposed development therefore conflicts with the NPPF, PfE and the following UDP policies and guidance EN1/1 Visual Amenity, H2/1 The Form of New Residential Development, H2/2 The Layout of New Residential Development and SPD 16 Design and Layout of New Development in Bury.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	23/04/2024	DM	25/04/24