

DELEGATED REPORT

Report by Tom Beirne	Date of report: 24/01/2024	Ref: 70240/FUL
Registration: 17/11/2023	LDFC: 09/12/2023	Expiry Date: 12/01/2024
Site Visit: 03/01/2024	Site Notice: 28/11/2023	Press Date: 23/11/2023
Objections: 0	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of part of field to extend residential curtilage/garden and erection of detached double garage

Location: Moorbottom Fold, Moorbottom Road, Ramsbottom, Bury, BL8 4NP

Description

The application relates to a dwelling that was converted from a stone barn and stables adjacent to Bank Top farmhouse. The two properties are relatively isolated and situated on the lower slopes of Holcombe Hill. The site is within the Green Belt and West Pennine Moors and within a Special Landscape Area and Holcombe Conservation Area (with an article 4 direction in place, removing permitted development rights). Moorbottom Road runs immediately to the north of the site and also serves as Bridleway No.17, Ramsbottom which offers access to the area for cyclists and horse riders.

The proposal involves extending the existing domestic curtilage on the north-west side of the property to provide space to construct a double garage. The area of land in question measures 9m x 8m metres (72 m² in area).

The proposed garage would be accessed from the existing parking area which is accessed from Moorbottom Road. The supporting statement states that the extended area is required to enable the garage to be sited within the site and allow for safe turning. Moorbottom Road is a narrow single track road that does not provide enough space for a vehicle to turn around within it.

The garage would be 7m x 7m in footprint, with an eaves height of 2.7m and a ridge height of 4.5m. It would be constructed with an oak frame with wide profile feather edge cladding to the walls. The roof would be slate to match the slate to the barn roof and to be set at 25 degrees pitch to match the barn roof.

Relevant Planning History

57140 - Conversion of barn to 1 no. dwelling (part retrospective) - Approve with Conditions 23/04/2014

57738 - Conversion of barn and stable to 1 no. dwelling (part retrospective) - Approve with Conditions 02/10/2014

62666 - Conversion of barn to 1 no. dwelling with alterations to access track/stone wall - Approve with Conditions 06/06/2018

63360 - Variation of condition no. 2 (approved drawings) of planning permission 62666: Revised front elevation to include the addition of solar panels - Approve with Conditions 22/11/2018

68564 - Single storey extension at front/side with first floor balcony with glazed balustrade and glazed external staircase; Installation of 3 no. dormer windows to existing roof at front; Change existing ground floor front window opening to patio doors and colour of all windows/doors to anthracite grey - Approve with Conditions 22/11/2022

Publicity

Immediate neighbour notified by letter dated 17/11/2024. Press and site notices posted 23rd and 28th November respectively. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Conservation Officer - No objection.

Planning Policy Manager - Contrary to policy/Refuse.

Public Rights of Way Officer - No objection.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
OL1/2	New Buildings in the Green Belt
OL1/5	Mineral Extraction and Other Development in the Green Belt
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
OL7/2	West Pennine Moors
EN9/1	Special Landscape Areas
RT3/4	Recreational Routes
EN1/1	Visual Amenity

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.

Policies - The NPPF indicates that modest domestic extensions that do not have a serious and detrimental impact on the openness of the Green belt are acceptable.

In terms of the change of use to garden ground, the NPPF indicates this would be inappropriate development is, by definition, harmful to the Green Belt. Very special circumstances would be required to justify such development will not exist unless the harm by reason of inappropriateness is clearly outweighed by other considerations.

UDP Policy OL1 Green Belt aims to prevent urban sprawl by keeping land permanently open, to safeguard the countryside from further encroachment and to protect the openness of the Green Belt.

OL1/2 - New Buildings in the Green Belt - The construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- a) agriculture and forestry (except where permitted development rights have been withdrawn);
- b) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- c) 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, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- d) limited infilling in existing villages as set out under Policy OL1/3.

UDP Policy OL1/5 - Mineral Extraction and Other Development in the Green Belt considers proposals to be inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.

Policy OL7/2 West Pennine Moors relates to proposals within the moorland area and indicates that development should not have a detrimental impact on it.

Policy EN9/1 - Special Landscape Areas strictly controls development in these areas and requires proposals to be sympathetic to the surroundings in terms of its visual impact. High standards of design, siting and landscaping are expected and unduly obtrusive development will not be permitted in these areas.

Green Belt and West Pennine Moors - Although the area of land in question is relatively small, the site is within a very sensitive area of the Green Belt and West Pennine Moors,

very close to a well used public right of way, and with a building on it, would have an urbanising effect and a disproportionate and detrimental impact on the openness and character of the area. The proposal would not be appropriate in the Green Belt and West Pennine Moors and would be contrary to the NPPF and UDP Policies OL1/2 New Buildings in the Green Belt and UDP Policy OL1/5 Mineral Extraction and Other Development in the Green Belt and Policy OL7/2 West Pennine Moors.

Heritage - The conservation area in which the site is located includes the upper valley settlement of Holcombe Village a number of small agricultural hamlets and groups of stone buildings which are all typical of the West Pennine Moor area. The form of Holcombe Village is virtually unique in the area as it provides an example of a pre-industrial settlement almost untouched by recent development. The conservation area includes a number of important listed buildings including the landmark building of Peel Tower which dominates the landscape and the northern part of the Borough.

The primary aim of conservation policies are to preserve and enhance the character of an area as a whole rather than by simply protecting individual buildings. The designation of a conservation area is not intended to prevent subsequent development as sensitively designed new buildings can enhance the character of a Conservation Area.

In respect to specifically the character of the wider conservation area, the proposal would not have a detrimental impact and therefore would comply with the NPPF and UDP policy with regard to heritage.

Visual amenity - Although the extension of the curtilage alone would not have a significant impact on visual amenity, the new garage would have a serious and detrimental impact. Although the timber framed design with cladding and stone tiled roof would be in keeping with the style of outbuildings in the area, the fact that it is sited with the Green Belt, outside the established domestic curtilage makes it more impactful, particularly as it would be readily viewed from the adjacent public footpath. The proposal is therefore unacceptable and contrary to UDP Policies EN1/1 Visual amenity and EN9/1 Special Landscape Area other relates policies listed above.

Residential amenity - Given the nature and siting in relation to neighbours, there would be no residential amenity issues arising from the proposal. As such, in terms of residential amenity, the proposal would be acceptable and contrary to UDP Policy H2/3 Extensions and alterations and guidance in SPD6.

Access and Parking - The submitted plans show the siting of the garage and the associated vehicle tracking movements to represent a turning circle of 6.0 metres radius. This would allow suitable turning and comply with UDP Policy H2/3 in relation to parking and access.

Public Right of Way - The proposal would not obstruct the public right of way that runs along Moorbottom Road immediately to the north of the site.

Supporting statement - The justification set out in the supporting statement submitted with the application is not considered to be sufficient enough to form very special circumstances and outweigh the harm caused to Green Belt and therefore warrant approval.

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 development would be seriously detrimental to the openness and character of the Green Belt/West Pennine Moors/ Special Landscape Area by reason of its size and siting outside the domestic curtilage of the existing dwelling. The proposed development therefore conflicts with the National Planning Policy Framework section 13 and the following policies of the Bury Unitary Development Plan:
OL1/2 - New Buildings in the Green Belt
OL1/5 - Mineral Extraction and Other Development in the Green Belt
OL7/2 - West Pennine Moors
EN1/1 - Visual Amenity

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	24/01/2024		