



Davenport Farm, Arthur Lane, Radcliffe, Bolton, BL2 5PW.

Construction of replacement residential annex building following demolition of existing residential annex, outbuilding and associated infrastructure.

Supporting Planning Statement.

On behalf of Mr T Hankins.

June 2023

SEYMOUR
PLANNING

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Appendix 1: Pre-app response from Bury Council ref: 02804E.

1. Introduction.

1.1 This Planning Statement has been prepared by Seymour Planning Ltd on behalf of Mr T Hankins in support of this Planning Application for the proposed construction of a replacement residential annex building following demolition of existing residential annex, outbuilding and associated infrastructure at Davenport Farm.

1.2 This statement demonstrates why the proposal accords with national and local planning policy. It explains why the proposal constitutes sustainable development. It justifies why planning permission should be granted.

1.3 This statement should be read in conjunction with the following:

- Application Forms and ownership certificate.
- Application plans (prepared by Jenkins Design Services Ltd).
- Design and Access Statement (prepared by Jenkins Design Services Ltd).
- Bat Survey (prepared by Gritstone Ecology).
- Heritage Impact Assessment (prepared by Stephen Griffiths)

2. Site location and description.

- 2.1 The application relates to Davenport Farm which is a large detached residential dwelling house and accompanying gardens and outbuildings. The property sits within a substantial plot set back on the eastern side of Arthurs Lane.
- 2.2 The property is a Grade II listed building. The original element of the property comprises the western end of the building which was latterly extended to form Davenport Farm. The property is two storeys with a pitched roof over and presents a gable end frontage to Arthurs Lane. It is built predominantly from stone although the rear elevation of the property is brick. The property has a slate roof covering.
- 2.3 Land levels rise in an easterly direction from Arthurs Lane. A long driveway extends in this direction from Arthurs Lane to the higher ground along the eastern boundary. A large garden lies to the south of the property which extends beyond the rear of Davenport Farm on higher ground.
- 2.4 Immediately to the rear of the property lies an existing residential annex building situated on the northern site boundary. The building was originally constructed as a garage however was latterly converted to an annex by the owners for a dependant family member in 1996. It has remained in the same use since and is therefore lawful by virtue of the passage of time. It is built from brick with a pitched slate roof over. It has a conservatory attached to its western elevation and is connected to an extended area of hardstanding and large shed on the northern eastern elevation.
- 2.5 The wider garden includes a children's play area, large freestanding orangery building and landscaped gardens. The site is enclosed to all sides by mature hedging and boundary treatments.
- 2.6 To the north lies an adjacent property, Davenport Mews, which is a large, detached dwelling. It is separated from the northern site boundary by a driveway.

It presents a gable elevation to the application site which contains habitable windows at first and second floor level.

2.7 To the rear of the site (east) lies open grazing land.

Other Information.

2.8 The property is a Grade II Listed Building

2.9 The site is not in a Conservation Area.

2.10 The site is not affected by Tree Preservation Order.

2.11 There are no public rights of way that cross site.

2.12 The site is designated as lying within land covered by Flood Zone 1 status according to the Environment Agency (EA) Flood Map for Planning.

3. Relevant Planning History.

3.1 The Bury Council website identifies the following previous planning history at the application property.

- 52743 – Detached single storey orangery building. Approved 6/8/10.
- 52734 – Listed building consent for structural repairs to front entrance. Approved 10/8/10.
- 52470 – Conversion of outbuilding into double garage with first floor studio over including raising ridge height by 1.5m. Refused 17/6/10.
- 04/41917 – Listed building consent: New swimming pool extension to existing granny flat, demolition of timber shed and erection of new workshop/garage and summer house. Withdrawn 2/2/04.
- 41918 – New swimming pool extension to existing granny flat, demolition of timber shed and erection of new workshop/garage and summer house. Appeal dismissed 9/3/04.

4. Pre-application advice.

- 4.1 Prior to submission of this planning application the project team engaged with the Local Planning Authority (LPA) in accordance with advice within the National Planning Policy Framework (paragraphs 39 – 46).
- 4.2 An initial formal pre-application advice submission was made to the LPA on 7th December 2022 ref: 02804E. It raised the question of the potential for this proposal.
- 4.3 A copy of the LPA's pre-application response is attached at Appendix 1. It can be seen the response offered advice about how to develop the proposal to bring in line with the Councils policy and guidance. This submission has followed that advice reducing size and scale of building and improving the form accommodation.
- 4.4 This planning application has therefore evolved over time taking on board the advice of the LPA to arrive at the final design solution and proposal. This chapter therefore clearly identifies a willingness to fully engage with the LPA at pre-application stage to front-load the planning process in accordance with national planning advice.

5. The Proposal.

5.1 The proposed development is identified on the accompanying plans:

- B2-XX-DR-A-0801 rev B: Existing Building Plans and Elevations.
- B2-XX-DR-A-2001 rev C: Proposed Building Plans and Elevations.
- S1-XX-DR-A-0800 rev B: Site location Plan.
- S1XX-DR-A-0801 rev A: Existing Site Plan and Elevations.
- S1XX-DR-A-1001 rev B: Proposed Site Plan and Elevations.

5.2 The existing residential annex, its conservatory, attached shed and hard standing area would be demolished to make way for the proposed new development.

5.3 The proposed residential annex dwelling would be sited in an almost identical position to the existing annex however would be of a slightly different footprint design and position. This is clearly illustrated on supporting Proposed Site Plan drawing ref: B2-XX-DR-A-2001. The amount of building spread, and site coverage is however very similar to the existing.

5.4 The new annex roof height would be slightly lower in ridge height to that of the existing annex (-460mm). The ridge is however reorientated to an east-west axis rather than the existing which lies on a north-south axis.

5.5 The proposed replacement annex would be of a high-quality design. It utilises a contemporary design but with an architectural approach that relates to the traditional character of the site and main dwelling and is therefore respectful of the locality. The proposal would use high-quality materials as identified on the supporting plans and drawings. The full design justification is explained in the attached Design and Access Statement. Its impact on the Listed Building is explained in the attached Heritage Statement.

5.6 The internal arrangements are designed to provide one bedroomed annex accommodation suitable for an aging occupant and include provision for disabled/wheelchair access.

5.7 The existing gardens, access, driveway, and parking area would be retained as existing.

5.8 The justification for the design of the proposal is set out in the accompanying Design and Access Statement.

5.9 The full case for the proposal is set out in paragraph 6 (Planning Analysis) below.

6. Relevant Development Plan Policy and Other Guidance.

6.1 Legal Context.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

The statutory Development Plan in this instance comprises policies set out in:

- **Bury Unitary Development Plan (BUDP)** and its policies which has been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 alongside the **BUDP Proposals Map**.

As the BUDP was adopted prior to the publication of the National Planning Policy Framework (NPPF) the weight to be attached to Development Plan policies should be judged against whether they accord with the NPPF and the National Planning Practice Guidance (NPPG).

6.2 Saved policies of the BUDP Review.

The site is allocated as lying within an unallocated urban area on the saved BUDP proposals map.

Relevant policies are:

- OL1 – Green Belt
- OL1/2 – New Buildings in the Green Belt
- EN2/3 – Listed Buildings
- EN9/1 – Special Landscape Areas
- OL7/2 – West Pennine Moors
- HT5/1 – Access For those with Special Needs
- HT2/4 – Car Parking and New Development

Supplementary Planning Guidance.

Supplementary Planning Guidance (Saved SPG's and SPD's) does not form part of the Statutory Development Plan nevertheless it does provide non-statutory Council approved guidance that supports the adopted CS and saved SUDP Review policies and is a material consideration when determining planning applications.

The following supplementary guidance documents are relevant:

- Supplementary Planning Document (SPD) 6: Alterations & Extensions.
- SPD 8: New Buildings and Associated Development in the Green Belt.
- SPD 11: Parking Standards in Bury.
- SPD 16: Design and Layout of New Development in Bury.

6.3 The National Planning Policy Framework (NPPF).

The main theme of the NPPF is that there should be “a presumption in favour of sustainable development”. The document stresses the Government’s commitment to securing economic growth in order to create jobs and prosperity, with the Government seeking to ensure that the planning system does everything it can to support sustainable economic growth. The NPPF advises local planning authorities to favour proposals for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 119 identifies that planning should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 126 specifies that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities.

Paragraph 130 outlines that planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local families and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary documents such as design guides and codes; and/or
- b) Outstanding or innovative design which promote high levels of

sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and that permission should not be approved except in “*very special circumstances*”.

Paragraph 148 of the NPPF states that “very special circumstances” will not exist the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF specifies that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate unless falling within a list of bullet point exceptions. The following bullet points are relevant to this proposal:

- Bullet point **d**: the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- Bullet point **g**: 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.

Paragraph 194 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.

Paragraph 199 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states that any harm to the significance of a heritage asset should require clear and convincing justification. Substantial harm to grade II* listed buildings should be wholly exceptional.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to a designated heritage asset this harm should be weighed against the public benefits of the proposal including wear appropriate, securing its optimum viable use.

7. Planning Analysis.

7.1 The application requires consideration in respect of the following issues:

- Principle of development – Green Belt.
- Heritage
- Design
- Residential Amenity
- Ecology

Principle of Development – Green Belt

7.2 The application site falls within the Green Belt as identified on the BUDP Adopted Policies Map.

7.3 BUDP Policy OL1/2 states that there is presumption against the construction of new buildings in the Green Belt unless it is for certain purposes listed in a series of bullet points. Bullet point 3 of the policy OL1/2 is relevant to this proposal which states:

“In the case of replacement dwellings, the new dwelling is not materially larger than the one it replaces.”

7.4 SPD8 defines the Councils interpretation of “materially larger”. At paragraph 4.24 It states:

“Where a replacement dwelling is proposed, the new dwelling should reflect the original dwelling in terms of massing, siting and area of footprint, height and should not be materially larger than the one it replaces. Any significant deviation from this would need to be justified as ‘very special circumstances’. Calculations and workings of any increase in volume **must** be submitted with your planning application. In general terms, the Council may allow the original volume to be increased by **up to a third** (our emphasis) as part of a proposal for a replacement dwelling. However, each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain

situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues).”

7.5 Paragraph 149 of the National Planning Policy Framework (NPPF) imposes a parallel level of control and dictates a general presumption against the construction of new buildings in the Green Belt unless falling within a list of bullet point exceptions. In this case two exception bullet points are relevant:

- **d**: the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- **g**: 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.

In respect of bullet point **d** it is important to note that no definition of “materially larger” is provided in the NPPF.

In respect of bullet point **g** it is important to note that no definition of what constitutes a “greater impact” is given in the NPPF.

7.6 In this case the proposed annex building would replace the existing annex and outbuildings at the site. The use of the site would otherwise not change i.e., it would remain as a residential annex.

7.7 The built area (not gardens) at the site constitutes Previously Developed Land (Brownfield).

7.8 The proposed development could therefore legitimately fall into either of the two exception categories set out above within BUDP and the NPPF above. For completeness the proposal has therefore been considered against both exceptions.

Assessment as a replacement building.

7.9 This exception requires assessment of whether the new building is materially larger than the one to be replaced. As set out above there is no national definition of what constitutes “materially larger”. The Councils own interpretation is set out in SPD 8 which specifies that volume (up to a third larger) as well as massing, siting, area, footprint, and height are all relevant factors which will combine to form an assessment.

7.10 Case law has also identified that it is appropriate to look at a variety of factors to form the above assessment including comparable floorspace, volume, height, and footprint of development. As a result, the following table provides this comparative assessment of the existing versus proposed:

	Davenport Farm existing annex and buildings.	Davenport Farm Replacement annex	Difference
Floorspace GIFA (m2)	64.5	71.7	+11%
Volume (m3)	203.6	225.8	+11%
Footprint GEFA (m2)	74.9	86.1	+15%
Eaves Height (m)	2.6	2.6	No change
Ridge Height (m)	4.78	4.32	-460mm

Table 1: Existing vs Proposed Comparatives.

7.11 The above figures identify the proposed annex would be only slightly larger than the one it replaces in respect of GIFA floorspace and volume (11% increase)

and therefore significantly less than the third (33%) threshold set out within SPD8. The building would be slightly lower in overall ridge height. It is submitted that these dimensions clearly identify that the proposal is **not** a materially larger building than the one it replaces. In addition, it should also be noted that the proposal also occupies the same use, siting and location as the existing building.

7.12 On this basis the proposal is therefore **not** considered to represent inappropriate development in the Green Belt and therefore would comply with BUDP policy OL1/2 and the NPPF paragraph 149 bullet point **d**.

Assessment as redevelopment of a previously developed site and impact on openness.

7.13 Because the existing built area of the sites qualifies as PDL the proposal can equally be considered under this exception category.

7.14 In respect of Green Belt policy, the NPPF identifies the openness of the Green Belt as one of its essential characteristics. To benefit from the above exception there must be no greater impact on openness because of the development.

7.15 There is significant caselaw on how “openness” should be interpreted. The earlier quoted *Euro Garages Limited v SoSCLG and CWCC 2018 EWHC 1753 (Admin)* case is perhaps the most relevant case law on this issue. It established that the mere fact of change, or addition of built development, does **not** automatically harm openness. It held that whether openness was preserved or harmed should rely in part on a visual test as well as any definitional spatial assessment (as per the assessment set out above for a replacement building).

7.16 The NPPG acknowledges this and advises as follows:

“openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant as could its volume.”

Paragraph: 001 Reference ID: 64-001-20190722 (revision date 22 07 2019).

7.17 Visually, in both elevation and plan form, the proposal is considered to represent a comparable trade off in respect of visual impact on openness. Figures and dimensions aside a straightforward visual comparison identifies a very similar visual appearance to the site in both the existing and current form.

7.18 The above is confirmed within the Councils pre-app response letter which stated:

“Replacing the existing annexe building and erecting the proposed annexe in its place, would limit the impact of the proposals on the openness and permanence of the Green Belt, as in visiting the site, it was considered that the effect of the proposed excavation of land and the increase in height, bulk and massing, over and above the existing building and existing ground levels, would be very localised and limited due to the particular circumstances of this site, namely the existing excavation works will be visible from the curtilage of Davenport Mews, no. 12 Arthur Lane, and the existing annexe building is not visible from the adopted highway to the west due to the [presence of boundary planting along Arthur Lane, or PROW networks to the south and west of the enquiry site. The impact on the openness and permanence of the Green Belt would therefore be limited.”

7.19 On this basis the proposal is also not considered to represent inappropriate development in the Green Belt, would not have an unacceptable impact on openness and would also comply with the NPPF paragraph 145 bullet point **g**.

Heritage.

7.20 The significance (or heritage value) of Davenport Farm has been fully considered in accordance with paragraph 194 of the NPPF. The application is therefore supported by a Heritage Statement (HS) which documents the above.

7.21 In summary the original main dwelling has been extended the rear and significantly altered externally by further additions within its grounds. This has weakened its overall architecture and composition that have been identified as affecting its overall heritage value. These findings are fully documented within the supporting HS.

7.22 To conclude the submitted HS identifies that a balanced view should be taken about the proposed development. The buildings scheduled for demolition are of no heritage value and the area of the site concerned is of low heritage interest and sensitivity to the site as a whole. The impact of the proposal is deemed to not reach the “less than substantial harm” level of impact as concluded within the HS. Given no harm has been demonstrated there is no reason to resist the proposed demolition and redevelopment with a high-quality replacement annex as proposed via this planning application. As set out below the proposal would result in a high-quality replacement annex in accordance with BUDP policy EN2 and the advice of the NPPF.

Design.

7.23 SPD 6 (Alterations and Extensions to Residential Properties) contains advice specific to the provision of residential annexes at properties. It specifies that family annexes will be considered on their individual merits and that proposals should meet a set of specific set of criteria as follows:

- Normally be 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 in position in relation to the plot and original dwelling.

7.24 The proposal would comply with all but the first of the above criteria. However, it should be noted that the existing annex does not comply with this criterion

either and therefore the proposal simply maintains the current situation. It would therefore not be reasonable for the council to resist this proposal on this ground as there is an equivalent lawful fallback at the site already.

7.25 BUDP policies EN1 and EN1/1 relate specifically to the built environment and impact on visual amenity. They require new development to preserve and enhance the built environment via good quality design.

7.26 The design justification for the proposal is clearly set out within the supporting Design and Access Statement.

7.27 The proposed annex represents high-quality design. The building would be constructed from the highest quality materials as identified in the supporting plans and documents. The building is of an entirely appropriate scale and size for the wider site in visual terms. It would not detract from the Special Landscape Area within which it sits. It would result in a new building that would be an asset to the site and wider area that pays regard to the main dwelling on site.

7.28 The application therefore complies with the relevant design related policies of BUDP and paragraphs 124, 127 and 130 of the NPPF. It would have a positive impact on the area by virtue of its high-quality design over and above the existing annex.

Residential Amenity for existing and future residents.

7.29 In terms of existing residents, the only residential property affected by the proposal is Davenport Mews sited immediately to the north of the application site. The proposal would be sited no closer to this property than the existing annex. The proposal presents a non-habitable elevation of a similar size/scale as the existing to the neighbouring property. The proposal therefore has no greater or negative impact on either adjoining property in respect of loss of light, privacy, or overbearing impact. It improves the current situation as the existing annex

contains 2 no. habitable windows on the elevation facing Davenport Mews which would be lost to the development. No other residential properties would be impacted on by the proposal. The proposal therefore complies with BUDP policy in this regard.

7.30 In terms of future residents, the proposed annex has been specifically designed to act as annex accommodation. It is a fully adaptable design to cater for ageing persons and offers wheelchair access. Please refer to the design and access statement which explains further.

Highways/Access.

7.31 The proposal raises no additional highways or access issues. The development would utilise an existing access point and parking arrangements as per the current situation at the site. Adequate off-street parking is provided to meet the Council's parking standards.

Ecology.

7.32 A bat survey is submitted in support of this planning application. It concludes that no evidence of bats or their roost was found and that the proposed demolition will have no impact on the status of bats in this location.

8. Conclusion.

- 8.1 The submitted application demonstrates that the proposed development is acceptable in planning policy, heritage, design, ecology, residential amenity and highways terms.
- 8.2 The proposal will result in an acceptable and high-quality residential annex development within the Green Belt. It will offer improvements to the site and the dwellings current visual appearance in keeping with adjacent properties.
- 8.3 It is submitted that the proposal is ***not materially larger*** and does ***not have a greater impact on openness*** than the building it replaces for the reasons set out within this statement. The proposal is therefore not inappropriate development meeting the relevant exception tests of both local and national planning policy.
- 8.4 In summary the proposal will not have a detrimental impact on the openness of the Green Belt or heritage significance, it will be of high-quality acceptable design, will generate no harm to the residential amenities of adjoining properties, it will not harm the ecology or the highways safety of the area.
- 8.5 There are no negative impacts that result from the development. The proposal would therefore result in sustainable development in accordance with the NPPF.
- 8.6 It is therefore requested that the LPA grant planning permission for the development as proposed.

Appendix 1: Pre-app response from Bury Council ref: 02804E.

Our Ref: 02804E
Your Ref:
Date: 07 February 2023
Please ask for: Claire Booth
Direct Line: 0161 253 5396
Fax: 0161 253 7373
E-Mail: Claire.Booth@bury.gov.uk

Mr Neil Milling
Jenkins Design Services Ltd
2-4 Houghton Street
Bury
BL9 0TA

Dear Mr Milling,

Proposal: Demolition of existing annex building and replacement with
new annex building
Location: Davenport Farm, Arthur Lane, Radcliffe, Bolton, BL2 5PW

I am writing following receipt of your enquiry on 05 December 2022 and in connection with the above proposal and our site meeting at Davenport Farm on the afternoon of the 17 January 2023 to provide the Council's view of the issues discussed.

The details within this note are provided as a guidance note in the event of a formal application being submitted.

Should you wish to discuss any of the issues contained within this note, then please contact the above case officer.

Yours faithfully

Claire Booth
Senior Planning Officer
Bury Metropolitan Borough Council

Planning Policies

In the consideration of the proposals, the following policies are relevant to the scheme and would be taken into consideration should any application be formally submitted:

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide
OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN2/3	Listed Buildings
EN9/1	Special Landscape Areas
OL7/2	West Pennine Moors
HT5/1	Access For Those with Special Needs
HT2/4	Car Parking and New Development
HT2/6	Replacement Car Parking
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

ADVICE

Following the site meeting at Davenport Farm on the afternoon of the 17 January 2023, I write to provide the Council's advice relating to your clients to replace an existing annexe with a two storey, part subterranean. garage. Please find this below:

Site Description

The enquiry site lies to the east of Arthur Lane and is occupied by a Grade II listed building that is attached to the farmhouse (Davenport Farm) and incorporated into the farmhouse. The land to the east of Davenport Farm rises. At a higher level than the main dwelling, is a building, which was last used as a granny annex. This was converted from a double garage which I cannot find any planning permission being granted for. This building is positioned approximately 5.2m from the east facing gable of the house. It is built of brick and, has approximate dimensions of 7 metres by 6.3 metres. It has a glazed lean-to measuring 3 metres by 5.8 metres. The garden space for the main house is located to the south of the main dwelling.

The site is located within the boroughs Green Belt and the annex is, and would be, located within the curtilage of Grade II listed buildings.

Proposed Development

The proposed development involves the replacement of the existing annex building and its conservatory extension, and its replacement with the proposed two-storey building, to be used as annexe accommodation. The proposal seeks to excavate the land on which the annexe is located upon and erect a two-storey annexe building in its place.

The proposed building would be split level with internal steps proposed to both floors. It is proposed to raise the eaves height of the existing building by approximately 890mm. Due to site levels difference of approximately 2.0 metres, the ridge height of the existing building is proposed to be raised by approximately 330mm. The proposed eaves and ridge height will thus be higher than those of the listed building.

Relevant Planning History

21917 – Rebuilding of cottage and conversion of attached barn to form one dwelling house. Approved – 15 December 1988.

22295/89 - Listed building consent to convert barn and cottage into a single dwelling at Davenports Farm Arthur Lane, Ainsworth. Approved - 16 March 1989.

33903 - Two storey extension at Davenport Farm, Arthur Lane, Ainsworth. Withdrawn - 12 May 1998.

33914 - Listed building consent - two storey extension at Davenport Farm, Arthur Lane, Ainsworth. Withdrawn - 5 October 1998.

41917 - Listed building consent: new swimming pool extension to existing granny flat; demolition of timber shed and erection of new workshop/garage and summer house at Davenport Farm, Arthur Lane, Ainsworth. Withdrawn - 2 February 2004.

41918 - New swimming pool extension to existing granny flat; erection of new workshop/garage and summer house at Davenport Farm, Arthur Lane, Ainsworth. Refused - 9 March 2004. Appeal dismissed - 12 April 2005.

52470 - Conversion of outbuilding into double garage with first floor studio over including raising ridge height by 1.5m. Refused - 17 June 2010.

52743 - Detached single storey orangery building at Davenport Farm, Arthur Lane, Ainsworth. Approved with conditions - 6 August 2010.

52734 - Listed building consent for structural repairs to front entrance – Granted with Conditions, 10 August 2010.

Consultation Responses:

Conservation Officer - No objections in principle but there are some concerns about increasing the prominence of the annexe and the lack of subordination of the proposed building to the listed building(s), and increasing the brick material would conflict with the traditional stone buildings.

ADVICE

Principle of Development

Supplementary Planning Document (SPD) 6: 'Alterations and Extensions to Residential Properties' (January 2020) advises family annexes will be considered on the individual merits of each scheme and should normally be physically connected to the main property, 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. It also states that regard should be had to the general advice with SPD6. The existing annexe building meets all except one of the above-mentioned criteria. The proposed building would not. The Council has concerns that the building is not designed for annexe purposes and aging occupants due to its two-storey nature. The proposal would

therefore conflict with the requirements within SPD6. The layout of the development and size of the first floor therefore needs to be looked at and amended / reduced. Unitary Development Plan (UDP) Policy HT5/1: 'Access for those with Special Needs', requires proposals creating a design that is accessible for wheelchair users. The annexe should be designed to ensure it is suitable for the aging population. Further consideration of the design and functionality of the proposed annexe therefore need to be addressed.

Sites Location in the Green Belt

The proposed replacement building is located within the driveway area of Davenport Farm, on higher land to the west of the farmhouse and barn. The property is located within the boroughs Green Belt.

The National Planning Policy Framework (NPPF), herein referred to as 'the Framework' concerns itself with, amongst other things, development on Green Belt land. At paragraph 137 it states:

"The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 147 of the Framework explains:

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

148. 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.

149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The submitted information indicates the replacement building would introduce a building with a volume of approximately 70.78% larger than the building being replaced. As a result, despite some of the proposed building being below existing ground level, overall, it would be noticeably larger than the existing outbuilding. Although in the same use, it would therefore be materially larger than the buildings it would replace, so would not fall within the exception in Framework paragraph 149d) and is thus classed as 'inappropriate development', as directed by paragraph 147 of the Framework. The proposed building, therefore, would, by definition, be harmful to the Green Belt. Paragraph 148 of the Framework therefore applies (see paragraphs above). It is for an applicant to demonstrate whether very special circumstances exist to overcome the harm to the Green Belt.

Openness and Permanence

When a proposed development can demonstrate very special circumstances, the matters of Openness and Permanence would be considered as part of the Local Planning Authority's decision-making process.

Replacing the existing annexe building and erecting the proposed annexe in its place, would limit the impact of the proposals on the openness and permanence of the Green Belt, as in visiting the site, it was considered that the effect of the proposed excavation of land and the increase in height, bulk and massing, over and above the existing building and existing ground levels, would be very localised and limited due to the particular circumstances of this site, namely the existing excavation works will be visible from the curtilage of Davenport Mews, no. 12 Arthur Lane, and the existing annexe building is not visible from the adopted highway to the west due to the [presence of boundary planting along Arthur Lane, or PROW networks to the south and west of the enquiry site. The impact on the openness and permanence of the Green Belt would therefore be limited.

Notwithstanding the above, paragraph 148 of the Framework 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.”

In light of the above, it is imperative that within any application, a statement demonstrating ‘very special circumstances’ which may exist, to overcome the harm by virtue of the development being inappropriate development, by definition, to address the requirements of the NPPF/ the Framework. Any other harms are discussed below.

Impact on Designated Heritage Assets and their Settings

An important planning consideration is the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Please note that according to Heritage England, unless the List entry states otherwise, the listing includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building. The whole of the residential property is therefore considered to be listed. For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948. Please see the advisory note on the National heritage List for England under the list entry for Davenport Barn [here](#).

The house and the barn, now converted into the main dwelling, is considered to be grade II listed. In planning terms, the property as a whole is therefore considered to be a designated heritage asset.

All proposals must ensure they accord with the requirements of Section 66(1) of the Act. In addition, all proposals need to comply with paragraphs 189 to 208 of the Framework, which are also important in the assessment of these proposals, as to are relevant policies of the adopted Local Plan.

Paragraph 194 requires an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. A Heritage Statement describing the significance of the heritage asset and its setting, which also considers the impact of the proposed development on the heritage significance of Davenport Farm, would therefore need to accompany any planning application for these proposals.

Paragraph 199 of the Framework states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Paragraph 200 of the Framework states that any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 201 and 202 of the Framework advise LPAs to determine the acceptability of applications on the levels of harm.

UDP Policy EN2/3 - 'Listed Buildings' advises that the Council will actively safeguard the character and setting of Listed Buildings by not permitting works, alterations or changes of use which would have a detrimental effect on their historical or architectural character and features.

In respect of the proposals put forward, the Local Planning Authority (LPA) has concerns that the proposed increase in bulk and massing that would arise from the proposed development and the amount of glazing that would detract from the setting and the character of the listed building as instead of appearing as a subordinate outbuilding, as the existing annexe does, the increase in bulk and massing and the extent of glazing proposed would start to visually conflict with the eaves and ridge height of the listed property.

The LPA considers that the eaves of the building need to be lowered to slightly lower than those of the barn, to create a subservient appearance to the main house. In addition, the solid to void ratios of the existing farmhouse and barn are fundamental to the appearance of the farmhouse and listed barn. The extent of glazing proposed, particularly in the south facing gable, should be reduced to reflect the traditional buildings. We are not opposed to the glazing per se, it is its extent. We suggest you look at this. Please note, all glazing should be pushed back into the window reveal to reduce the impact of glazing and glare.

During the LPAs site visit, It was considered that the bulk and massing of the proposed annexe, would have a less than substantial impact on the setting of the listed building. Therefore by amending the proposals to take account of the above advice the level of harm would probably be minimised to a level which would be considered to be less than substantial harm. Paragraph 202 of the Framework would therefore need to be considered.

This requires any identified harm to be weighed against the public benefits of the proposals. Please include the public benefits that would arise from the proposed development, within any planning applications submission.

Landscape character and visual amenity

The pre-application enquiry site is located in a Special Landscape Area of the West Pennine Moors. UDP Policies EN9/1: 'Special Landscape Areas' and OL7/2 are therefore relevant. Both policies require a high standard of design, siting and landscaping.

This rising land to the east will limit the visual impact of the proposed development when viewing the site from Public Rights of Way located due west and south of the site. There are limited views of the site due to the presence of boundary hedging along the roadside boundaries of the enquiry site and neighbouring properties. The upper portion of the existing annexe is visible from the driveway to properties located to the south of the site.

The brick of the existing annexe appears out of place for this site and would appear stark adjacent to the listed building, which contains traditional stone farmstead buildings; the House and Barn, and in this respect the proposal would clash with the traditional stone and stone slate materials of the main dwelling. We suggest the proposed brick elevations are therefore changed. So not to create a pastiche building, we welcome two types of materials as proposed. We suggest you explore replacing the brick with timber cladding, or any other sympathetic material. In terms of the proposed roofing materials, again traditional stone or blue slate should be used to ensure the proposed building would sit sympathetically with the the listed building.

Impact upon residential amenity and the amenity of future occupiers

The nearest residential dwelling (Davenport Mews, 12 Arthur Lane) is located to the north of the site. Windows serving habitable rooms at both ground and first floors exist on the gable of this neighbouring property that are within approximately 8.6 metres of the existing and proposed annexe. As the annexe will not be physically significantly higher, the proposed building should not cause demonstrable harm to the occupiers of 12 Arthur Lane in terms of being overbearing and oppressive or a loss of sunlight to the habitable room windows of this neighbour.

In terms of overlooking and loss of privacy, whilst two windows are present in the north elevation of the existing annexe, to prevent overlooking and a loss of privacy occurring, please note that the windows on the north elevation, which overlook Davenport Mews would need to be obscure glazed and non-opening.

With regards the amenity of future occupiers of the proposed larger annexe, to meet the needs of disabled people, or indeed elderly occupants, an Access Statement will need to accompany any application detailing how the annexe will be adapted/ kitted out to be adaptable when and should the need arise to meet the needs of occupiers as they age. As noted earlier, the annexe needs to be designed to genuinely appear as annexe accommodation.

Bats and Protected Species

A Protected Species Assessment would need to accompany any application, as the proposal involves the removal of the roof of the existing building and the enquiry site is located within the boroughs countryside. The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Parking and Highway issues

The proposed development would be accessed using the existing driveway for the dwelling and would be an annexe to the existing property. Without details of how the existing parking area would be impacted by the proposed excavation works, the Council is unable to offer any advice on this matter and cannot advise if these proposals would accord with UDP policies HT2/4: 'Car Parking and New Developments' and H2/6: 'Replacement Car Parking'. Within any Planning Statement please include details of the number of bedrooms within the existing property. The proposal would need to ensure that car parking provision at the property accords with the Councils adopted parking standards. These parking standards are available to view within SPD 11: 'Parking Standards in Bury'.

Further and closing comments

Due to the proposal being 'inappropriate development in the green belt' it would appear that national green belt policies would likely be difficult to overcome. In addition, the Council is concerned about the two-storey nature of an annexe which contravenes the requirements of SPD 6: 'Alterations and Extensions to Residential Properties' (January 2020). We normally recommend single storey annexes. We are aware that due to the site being within the Green Belt, it may be difficult to design this without detracting from the openness of the Green Belt and the only way I can see this being done is if existing buildings on the site were removed and their volume used to create a larger dwelling in the location and on part of the land to the side of the existing annexe. If this is potentially an option for your client, we would welcome further discussions with you.

In bringing this letter to a close, I trust that this advice provides you with sufficient information at this stage and answers the matters you required clarification on within our site meeting. Please note that this advice represent an officer opinion only based on the details provided and are applicable whilst the current local and national planning policies are in force. The advice is given without prejudice to any subsequent application and its determination thereof. Should you require anything further however please do not hesitate to contact me.

Claire Booth MRTPI
Senior Planning Officer



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