



Appeal Decision

Site visit made on 16 July 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/T4210/W/24/3340518

Land south of former Ainsworth Nursing Home, Ainsworth, Radcliffe, Bolton BL2 5PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Stuart Alderson against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 70163.
 - The development proposed is agricultural building.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. I have taken the address and the description of the proposed development from the Council's decision notice as it more succinctly describes the proposed location and development.
3. Amended plans were submitted during the course of the application, which repositioned the proposed agricultural building approximately 22m from the nearest residential property, The Bungalow, turning it through 90 degrees and reducing its width from 11m to 9m. I have determined the appeal on this basis.
4. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 (2024 Amendment) came into force on 21 May 2024. However, the amendments to Class A do not apply in this instance and do not affect my consideration of this appeal. Consequently, I have not invited further comments from the parties.
5. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), under Article 3(1) and Schedule 2, Part 6, Class A, relate to development which is to be carried out on agricultural land comprised in an agricultural unit of 5 hectares or more, and for development which is reasonably necessary for the purposes of agriculture within that unit. There is no dispute that the proposed development is reasonably necessary for the purposes of agriculture or that the site is part of an agricultural unit greater than 5 hectares. On the evidence before me, I see no reason to disagree with this.
6. Where it is determined that development falls within the scope of these provisions, and any limitations are met, sub-paragraph 2 of paragraph A.2

requires an application to be made to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. My determination of this appeal has been made on the same basis.

7. On March 21, 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document (the PfE) as part of their Development Plan. Policies JP-G1 and JP-G9 of the PfE have superseded Policies EN9/1 and OL1 of the Bury Unitary Development Plan (1997) (UDP). The principle of development is established by the GPDO and the provisions of Schedule 2, Part 6, Class A of the GPDO do not require regard to be had to the development plan or the National Planning Policy Framework (the Framework). I have had regard to the Framework, these policies and the policies referenced in the evidence before me in so far as they are material considerations relevant to matters of siting, design and external appearance.

Main Issue

8. The main issue is whether the proposal would satisfy the detailed prior approval matters including the effect of its siting, design and external appearance on the living conditions of nearby occupants, with regard to outlook, and noise and disturbance.

Reasons

9. The appeal proposal would be located in part of an agricultural field, to the east of an access road to the former Ainsworth Nursing Home, and south of a residential building known as The Bungalow. The former nursing home has been converted to residential use. There are currently three residential properties at the site, with two further dwellings approved and two more currently under consideration through the planning appeal process. To the south of the proposal, at some distance, lie a row of cottages. The surrounding area is largely open and agricultural.
10. The plans indicate that the proposed building would be 27.5m long and 9m wide, with a ridge height of 6.5m and eaves height of 5m. It would be constructed from concrete panels and green steel sheets, and would be of a single apex design with overhang on the proposed open side. Whilst the proposal would be visible from long range views and from a public right of way to the east, it would be a functional agricultural building, and would not be incongruous or uncharacteristic within the rural setting. It would be viewed against the backdrop of existing buildings and as such would not appear as isolated or conspicuous.
11. However, the proposal would be sited approximately 22m from the nearest elevation of The Bungalow. Whilst the proposed building would be parallel to the road, it would be sited directly to the south of The Bungalow. The proposal's 9m wide side elevation would face the residential property and extend for the majority of the width of the residential dwelling, which is itself approximately 10m in width.
12. I acknowledge that the proposal would be set slightly lower than The Bungalow, and that the main aspect of The Bungalow would not face the barn. However, the proposal would be located in proximity to the rear garden of the

residential dwelling, which has windows in its elevation facing the proposed agricultural building.

13. Other neighbouring properties would be situated further away from the proposed agricultural building, and I do not consider that the living conditions of their occupiers would be harmed by the proposal with regards to outlook. However, the close proximity to The Bungalow caused by the siting of the proposed building would harm the living conditions that the occupiers of The Bungalow benefit from. In particular, their enjoyment of the rear garden would be diminished by its presence as an imposing building. Given the siting and scale of the proposal, it would impose a significant bulk of built development that would result in an overbearing and obtrusive impact on the users of The Bungalow's outside space and when viewed from the property's windows facing the proposal.
14. Whilst planting along the boundary would screen the building to some degree, the building would still be visible from the residential property. I acknowledge that fencing and trees were originally in place along the boundary, which would have more effectively screened the proposal. However, I must determine the appeal on the situation before me. Further landscaping would take time to establish, and I am not persuaded that it could provide a fully effective screen, particularly in the winter months.
15. The building would be used for the storage of livestock fodder and agricultural equipment. As the field is already in agricultural use, it is likely that neighbouring dwellings would already be subject to some level of noise from tractors and agricultural machinery. Furthermore, in rural areas such as this, farming activities and associated noise and disturbance are commonplace. The appellant has indicated that during the summer there would be no increase on the approximately 120 journeys already undertaken both ways from the fields to the farmyard. During the winter hay bales would be moved from the barn, which would involve a tractor and pick-up trailer and would take approximately 60 minutes per week. Neighbouring residents would themselves undertake vehicular journeys, which would lead to some level of noise and disturbance to other neighbours. Consequently, I consider that the proposal would not unacceptably harm the living conditions of neighbouring occupiers with regard to noise and disturbance.
16. As such, whilst I conclude that the effect of the proposal's siting, design and external appearance proposal would not be unacceptable as regards noise and disturbance, it would have an unacceptable effect on the living conditions of nearby occupiers with regard to outlook. As a result, it would be contrary, as far as they are material considerations, to paragraph 135 of the Framework and OL4/5 of the UDP which seek to ensure, amongst other matters, that development does not harm the amenity of nearby residents.
17. Whilst the Council have referenced Policies JP-G1 and JP-G9 of PfE and Policies OL1/2 and OL7/2 of the UDP and Supplementary Planning Document 8 – New Buildings in the Green Belt, these relate to Green Belt and landscape designations. I do not consider that they are directly relevant to the siting, design and appearance of the proposal in relation to the living conditions of neighbouring occupiers, and as such I have not regarded them as material considerations in my decision.

Other Matters

18. I note that the site is in Green Belt and designated under the UDP as a Special Landscape Area, and is located within the West Pennine Moors. However, these are not matters for consideration under Schedule 2, Part 6, Class A of the GPDO.
19. From the evidence before me, the former Ainsworth Nursing Home is considered to be a non-designated heritage asset (NDHA). The original buildings date from the early twentieth century and were built to create a smallpox isolation hospital. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
20. The council has not raised concerns regarding the impact of the proposal on the NDHA. The site's remaining heritage buildings are well screened by trees, which have a group tree preservation order. Furthermore, the proposal would be viewed in relation to The Bungalow, which is a more modern addition to the site. For these reasons, I also find that the siting, design and external appearance of the proposed development would not be harmful to the NDHA.
21. I recognise that there are UDP policies which may support the proposal. However, as mentioned earlier, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 6, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to policies only in so far as they are material considerations relevant to matters of siting, design and external appearance.
22. I acknowledge that there is some support for the proposal and that it is needed for an agricultural use. The appellant's farming business has grown, and the appellant wants to evolve the business in a sustainable manner. Furthermore, the proposal would also help to guard against the theft of farm machinery and equipment. I recognise that decisions should be consistent and language unambiguous. I also appreciate the efforts that the appellant has made to address concerns, such as reducing the footprint of the proposal, reorientating it and moving it further from The Bungalow. Despite all these matters, I am required to assess the proposal on its own merits having regard to its siting, design and external appearance. Having done so in this case, I have found that the proposal would be unacceptable for the reasons set out.

Conclusion

23. For the reasons given above, the appeal should be dismissed.

L C Hughes

INSPECTOR