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# Appeal Decision

Site visit made on 30 April 2024

**by H Senior BA (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 July 2024**

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**Appeal Ref: APP/T4210/D/24/3337341**

**Sheepgate Farm Cottage, Bradshaw Road, Tottington, Bury BL8 3PL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Niall Gunn against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 69581.
  - The development proposed is re roof and roof line reconfiguration. Internal remodelling & new glazing.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the appeal was submitted, the Council adopted the Places for Everyone Development Plan Document on 21 March 2024. The main parties were given the opportunity to comment on this, which I have taken into account in my decision.

## Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
  - the effect on the openness of the Green Belt.
  - the effect of the proposal on the users of land to the rear of the site with regard to privacy, and
  - whether any 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 required to justify the proposal.

## Reasons

### *Inappropriate development*

4. The appeal site lies within the designated Green Belt and is a previously extended dwelling within a small cluster of dwellings. There is a detached garage to the north of the site with open fields to the east.
5. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 154 and 155, sets out the

categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

6. Paragraph 154c) sets out that new buildings within the Green Belt are inappropriate unless the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building.
7. The Framework does not define what a disproportionate addition would be. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement but the overall size of the building (either in terms of footprint, floorspace or volume) is clearly an important factor. An original building, the Framework explains, is a building as it existed on 1 July 1948 or, if it was constructed after that date, as it was built originally. Policy OL1/2 of the Bury Unitary Development Plan (1997) (UDP) and guidance in the accompanying New Buildings and Associated Development in the Green Belt Supplementary Planning Document (2007) (SPD) seek to protect the Green Belt by limiting the increase in size to up to a third of the volume of the original dwelling.
8. In this case there is disagreement in the extent of the original building with the appellant including the previous extensions within the volume calculations. However, from the evidence before me, I consider the original building to be the smaller part of Sheepgate Farm Cottage which was modest in terms of its size and appearance. The extensions now proposed, in addition to those already constructed would significantly increase the volume and massing of the original building. The proposed extensions would therefore be a disproportionate addition to the existing building.
9. I acknowledge that the proposal would include removal of a conservatory and the reduction in the size of the existing garage. However, I am not satisfied that this would compensate for the increase in size of the original dwelling, beyond existing extensions, and the harm that this would cause to the Green Belt.
10. Taking the above factors into account, the proposal would be a disproportionate addition to the dwelling and would not therefore fall within the exception set out in paragraph 154c) of the Framework. It therefore follows that it would be inappropriate development in the Green Belt. It would also be contrary to Policy OL1/2 of the UDP which has similar aims.

### *Openness*

11. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics are their openness and permanence. The openness of the Green Belt has a spatial as well as a visual aspect, so the physical and visual presence of built forms may affect openness.
12. The limited decrease in the footprint of the dwelling and part of the garage would help to reduce the spatial impact of the development in the Green Belt. However, the changes to the roof through the addition of a gable to the front and rear would increase the mass and bulk of the building at first floor level. This would alter the appearance of the building which would be more visible and prominent. Consequently, albeit to a limited degree, the proposal would, in visual terms, harm the openness of the Green Belt.

13. I therefore conclude that the development would lead to a harmful loss of Green Belt openness, contrary to the main aims of the Green Belt policy set out in the Framework.

#### *Privacy*

14. Supplementary Planning Document 6 Alterations and Extensions to Residential Properties (2010) (SPD) requires a distance of 7m between the first floor extension habitable windows and the directly facing boundary to prevent overlooking of the neighbouring property. The proposed extension would be close to the boundary of the neighbouring property and whilst there are no buildings on the land, and it is in the green belt, the appellant does not have control over it.
15. I appreciate that there are already windows at first floor that face towards this land. Nevertheless, the introduction of a Juliet balcony would lead to a greater prospect of occupants of the property standing or sitting for long periods and looking out over the land than one would reasonably expect from windows. Although there are no buildings on the neighbouring land adjacent to the appeal property there would be direct views on to it and the land is not in the ownership of the appellant.
16. For these reasons, I conclude that the proposal would have an unacceptably harmful effect on the users of land to the rear of the site with regard to privacy. It would conflict with Policy H2/3 of the UDP which amongst other matters seeks to ensure development has regard to the amenity of adjacent properties. It would also conflict with guidance in the SPD which has similar aims.

#### *Other Considerations*

17. The building is in need of renovation and modernisation and the proposal would include the rendering of the building to match the adjoining house. I also acknowledge that the reconfiguration of the dwelling would rationalise the internal space and allow the property to be suitable for family use. However, there is no substantive evidence before me to suggest that these needs could only be met by the proposed development and not by other potentially less harmful means. As discussed above, the reduction in the footprint of the built development would reduce the spatial impact of the proposal. I attach moderate weight to these matters.

#### **Other Matter**

18. The appellant has stated that pre-application advice was sought but did not include the full details of the extensions. I must consider the merits of the case before me and can give only limited weight to such discussions.

#### **Green Belt balance and Conclusion**

19. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.

20. For the reasons set out above, the development constitutes inappropriate development in the Green Belt. Furthermore, there would be limited harm to the openness of the Green Belt and to the privacy of the users of land to the rear of the site. The other considerations put forward in support of the proposal attract moderate weight in favour of the proposal.
21. I conclude that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and Policy OL1/2 of the UPD which together seek to protect the Green Belt.
22. The proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given the appeal should be dismissed.

*H Senior*

INSPECTOR