

DELEGATED REPORT

Report by Jane Langan	Date of report: 02/03/2022	Ref: 67866/FUL
Registration: 23/12/2021	LDFC: 03/02/2022	Expiry Date: 17/02/2022
Site Visit: 17/01/2022	Site Notice: 11/01/2022	Press Date: 13/01/2022
Objections:	Con Area: N/A	Adv Type: ARW
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: A: Replace conservatory with single storey rear extension

B: Double garage with room above and link corridor to house

Location: Birchen Bower Farm, Harwood Road, Tottington, Bury, BL8 3PT

Description

The site is a farmhouse located within the Green Belt. It has been previously extended single and two storey and an attached barn converted to residential space. To the front of the property is a large gravel surfaced area for parking and contains a timber outbuilding and an agricultural storage building. The site is accessed down a lengthy single track which is public footpath 82 TOT and runs along the north of the site. To the east of the site property runs public footpath 84TOT. The surrounding fields to the property are in the ownership of the applicant.

The application includes :-

Proposal A: The removal of the conservatory and replacement with a single storey flat roofed extension 3.5m deep, 6m wide and 2.8m in height with a roof lantern (noted as optional).

Proposal B: To the front of the property the timber outbuilding would be removed and a double garage constructed with a footprint of 8m in length and 7m wide. It would have a first floor forming a games room and gym and the building would have eaves height at 3.3m and 5.8m to the ridge. The building would be linked to the main property by a single storey corridor 4m in length and 2.3m wide.

Relevant Planning History

36584 - Refurbishment of derelict farm house - Refused 19/01/2001

38360 - Certificate of Lawfulness - Re-instatement of an existing farm house and adjoining farm buildings - Approve 15/03/2002

39453 - Change of use to residential - AC 24/09/2002

60686 - Replacement garage/workshop/stable/tackroom and alterations to windows and doors; Two storey extension at front and change use of the attached barn to residential accommodation - Withdrawn 16/12/2016

61563 - Replacement garage/workshop/stable/tackroom and alterations to windows and doors; Two storey extension at front and change use of the attached barn to residential accommodation - AC 27/07/2017

66390 - Prior approval for proposed portal frame sheet clad agricultural building for machinery and feed storage - Prior Approval Required and Granted 08/02/2021

Publicity

A site notice was posted on 11/01/22 and a press notice placed in the Bury Times on 13/01/22. No representations have been received.

Statutory/Non-Statutory Consultations

Public Rights of Way Officer - No comments received.

Greater Manchester Ecology Unit - Recommend conditions and informatives (see detailed response with application documents)

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

OL1	Green Belt
OL1/2	New Buildings in the Green Belt
EN6/3	Features of Ecological Value
EN6	Conservation of the Natural Environment
H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework

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. 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.

National Planning Policy Framework (NPPF) Paragraph 149 and Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; 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; and limited infilling in existing villages.

National Planning Policy Framework (NPPF) Paragraphs 147 and 148 state that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC 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.

SPD8 - New Buildings and Associated Development in the Green Belt states that extensions of existing dwellings in the Green Belt should not result in disproportionate additions over and above the size of the original dwelling. In general an extensions up to a third of the volume of the original dwelling may be acceptable however, each proposal will be considered on its own merits. SPD 8 states that additions to buildings within the Green Belt should be limited to subsidiary elements of the original building, and should be simple and unobtrusive in design to ensure that they do not result in disproportionate additions over and above the original dwelling.

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene. It has a presumption against large extensions to the front of properties stating that proposals should reflect the proportion of the existing dwelling.

Impact on Green Belt and Visual Amenity - The site property has been previously extended and a statement has been provided by the agent setting out the volume calculations for the original dwelling, previous extensions and removed buildings concluding that the proposal result in a 42% increase. This would exceed the advice given within SPD 6 and therefore the proposal has the potential to have a significant impact on the openness of the Green Belt and a statement of very special circumstances is required as the proposal would result in development materially larger than the original building. The statement provided notes that the single storey extension is larger than the conservatory that is to be replaced but in itself will not breach the 33% size guidance. It considers that the garage and games room to be proportionate to the farmhouse and is rural setting. It notes, many farms have a range of buildings as well as the house and that the extension is considered in scale with the house and will have matching design and materials. It would be built instead of a smaller garage which already has planning permission and in a similar location. It goes on to state that the house is surrounded by land in the applicant's ownership with no immediate neighbours and the adjacent public footpath will not be affected. Concluding that the extensions will not harm the openness of the Green Belt.

Proposal A - Single storey rear extension - This would be located to the rear elevation replacing the existing conservatory. It would be flat roofed with a stone coping and the walls finished in natural stone with a small section of section of zinc cladding to one corner. The proposal would be viewed against the existng rear elevation as a subservient addition

in appropriate materials and as such this element of the proposal is considered acceptable.

Proposal B - Double garage with room above and link corridor to house - The existing single storey timber outbuilding to the front hardstanding would be removed. The proposed building would be located to the front of the property with a dual pitched roof and the walls in natural stone with the roof noted to be slate or smooth grey tile. A section of the front gable would be zinc clad. This building would be linked to the main property with a single storey corridor with glazing and zinc cladding. Where zinc is a modern material the majority of the building would be stone and the materials are considered acceptable.

The previously approved garage (61563) had a footprint of 6m by 6m with eaves at 1.9m and a ridge to 3.6m and was to replace the existing timber building in a similar position. Whilst the proposed garage would again be located in a similar position and linked to the existing house it would be materially larger. As such it is considered that the proposal is not a subsidiary element of the original building and would introduce a large building to the front of the property which would be over dominant and out of character in terms of its scale and massing and would not relate well to the main dwelling. As such it would be detrimental to the existing property and contrary to guidance set out within SPD 6 & SPD8.

SPD 8 also states that careful consideration should be given to the impact of a proposal when viewed from several locations within the immediate vicinity and wider countryside. The view of the proposal from main roads, public footpaths and settlements in particular will be given significant weight when assessing planning applications. It is the case that the proposed development, whilst surrounded by land within the applicant ownership, is within the public view with the two public footpaths adjacent one which runs through the site and therefore the development would therefore be visible from the public realm.

In view of the above, it is considered that the proposed double garage with first floor would result in a disproportionate addition over and above the size of the original dwelling and would have an adverse impact upon the openness of the Green Belt. As such, the proposal is inappropriate development, which by its definition, is harmful to the Green Belt and should not be approved, except in very special circumstances (VSC). VSC will not exist unless the harm to the Green Belt is clearly outweighed by other considerations. The VSC submitted with the application are not considered to outweigh the harm to the Green Belt and as such the proposal is considered to unacceptable.

Residential amenity - There are no residential properties in close proximity for the development to have any significant impact upon.

Ecology - The application was submitted with a bat survey and no evidence of bats found. Greater Manchester Ecology Unit have recommended conditions for a method statement for amphibians if there are earthworks and a new tree, bird box or bat box to contribute and enhance the natural environment. These are included, and also the informatives regarding bats, nesting birds and Himalayan Balsam.

As the proposed single storey extension would comply with UDP Policies H2/3, OL1/2 and SPD6 and SPD8 but the proposed garage would not a split decision is recommended.

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

Proposal A: The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Proposal B: 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: Split Decision

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 1 The proposed double garage with room above and link corridor to house would, by reason of size and design, be a prominent and intrusive feature and result a development neither appropriate to, nor sympathetic with the existing dwelling and would therefore be seriously detrimental to both the existing building and the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 - Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 2 The proposed double garage with room above and link corridor to house by virtue of its scale and design would lead to inappropriate development within the Green Belt that would erode the character of the property in question and the openness of the surrounding area. The proposed extension would result in a disproportionate addition over and above the size of the original dwelling and subsequently harm the openness of the Green Belt and is therefore contrary to the following policies of the Bury Unitary Development Plan: OL1/2 - New Buildings in the Green Belt and associated Supplementary Planning Document 8: New Buildings and Associated Development in the Green Belt, H2/3 - Extensions and Alterations and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties and National Planning Policy Framework Paragraph 147.
- 2 This decision relates to drawings numbered 21/674/01, 21/674/02, 21/674/03, 21/674/04, 21/674/05, 21/674/06, 21/674/07, 21/674/08, 21/674/09, 21/674/010, existing and proposed site plans and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Prior to any earthworks that may be required a reasonable avoidance measures method statement for amphibians shall be supplied to and agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan.
- 4 The development hereby approved shall provide for bat boxes/brick/bird boxes. The provision shall be incorporated into the development prior to the 1st use/occupation of the development hereby approved and thereafter maintained.
Reason. To mitigate for the loss of bird nesting/bat roosting habitat pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

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<u>Case Officer</u> JL	<u>Date</u> 02/03/22	<u>Sign off Officer</u>	<u>Date</u>
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