

DELEGATED REPORT

Report by Helen Pressley	Date of report: 16/12/2024	Ref: 71297/FUL
Registration: 25/10/2024	LDfC: 12/12/2024	Expiry Date: 20/12/2024
Site Visit: 21/11/2024	Site Notice: 21/11/2024	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: HOUS

Proposal: Variation of condition no. 2 (approved plans) following approval of planning permission 65025: (Erection of outbuilding) - alterations to the fenestration of the existing outbuilding

Location: Brook Bottom Farm, Bury Old Road, Shuttleworth, Ramsbottom, Bury, BL0 0RZ

Description

The application relates to a detached dwellinghouse on Bury Old Road. The site is accessed from Bury New Road with parking located to the north of the detached property. The site is located within the Green Belt. The site is currently utilised for various different uses which do not benefit from planning permission including holiday lets, and businesses within the existing outbuilding.

The application seeks to vary condition no. 2 (approved plans) following approval of planning permission 65025: (Erection of outbuilding). Alterations to the fenestration of the existing outbuilding with the previously approved windows/bifolding doors on the front elevation replaced with 3no. full length glazed doors and a reduction in the number of windows on the rear elevation. The eaves height has been increased by approximately 200mm and the overall ridge height also appears to have increased by 390 mm.

The overall footprint, of the building remains as previously approved.

This application would not address the use of the building, or the other uses within the site. The proposed alterations have been completed and the application is therefore retrospective.

Relevant Planning History

64744 - Lawful development certificate for a proposed detached outbuilding - Refused 02/12/2019

65025 - Erection of outbuilding - Approve with Conditions 18/02/2020

65601 - Single storey at rear & raised patio following removal of existing kitchen - Withdrawn by Applicant 24/08/2020

Enforcement

20/0004 - Unauthorized development following refusal of LDC - 20/12/2019

23/0033 - Change of use of dwelling to 5 no. holiday lets and spa - 10/04/2024

Pre-application advice

02990/E - Single storey house extension, beauty salon, 5 holiday lets and associated facilities - Enquiry completed 05/09/2024

Publicity

Site notice posted 21/11/2024.

No representations received.

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

JP-G9	The Green Belt
OL1/2	New Buildings 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
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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Principle (Green Belt)

Paragraph 153 of the NPPF confirms when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.

Paragraph 154 confirms that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

UDP Policy OL1/2 states that the construction of new buildings within the Green Belt will be inappropriate development unless it is for agriculture, forestry, essential facilities for outdoor recreation, limited extensions of existing dwellings and for other uses of land which do not conflict with the purposes of including land in it. Proposals for buildings, which do not fall into one of the above categories is inappropriate development and will only be permitted in special circumstances.

PfE Policy JP-G9 - The Green Belt confirms the extent of the Green Belt within the Borough and confirms the five purposes of including land within the Green Belt. The beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high quality green spaces that will support economic growth.

The proposal would not significantly increase the volumes assessed under application 65025. The previous application considered that the proposal is in a shielded location with higher ground and trees stopping the site being visible from most directions. Because of this shielding the proposal would not have a significant impact on the openness of the green belt and so the proposal is seen to be acceptable and policy compliant. The amendments to the ridge and eaves height would not materially alter this assessment and the proposal is therefore considered to comply with the policies set out above.

Visual Amenity

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.

The materials proposed match those of the existing dwelling house and the proposed windows are considered to be suitably aligned. The proposed outbuilding has not increased in footprint compared to the previously approved scheme and as such it is considered that the proposal would not result in the overdevelopment of the associated amenity space. It is therefore considered that the proposal would comply with the policy considerations set out above.

Residential Amenity

UDP H2/3 and SPD 6 seeks to reduce the impact of developments on the residential amenity of neighbouring properties.

Due to the distance of 92 metres to the nearest neighbouring property residential amenity will not be impacted as outlined in SPD 6.

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

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.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings numbered Site Location Plan, 19.2084.1 and PL310 Rev A 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	16/12/24	HL -	16/12/2024