

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	27 March 2018
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

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**Planning Appeals Lodged
between 13/02/2018 and 18/03/2018**



Application No.: 61958/FUL

Appeal lodged: 23/02/2018

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Refuse

Applicant: Mr F & Mrs R Hussain

Location: 53 Hampstead Drive, Whitefield, Manchester, M45 7YA

Proposal: New front boundary and side fencing and installation of pedestrian gate and double electric gates

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 13/02/2018 and 18/03/2018**



Application No.:
Decision level: DEL
Recommended Decision: Prior Approval Required
Applicant: Mr Andrew Winstanley

Appeal Decision: Allowed
Date: 13/02/2018
Appeal type: Written Representations

Location: Lower Dickfield Farm, Holcombe Road, Ramsbottom, Bury, BL8 4PD

Proposal: Prior approval for the proposed change of use of an agricultural building to a dwellinghouse (Class C3) and for associated operational development under Class Qa and Class Qb

Application No.: 61656/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: Mr Brian Sweatman

Appeal Decision: Dismissed
Date: 26/02/2018
Appeal type: Written Representations

Location: Land opposite Beech House, Clifton Road, Prestwich, Manchester, M25 3HG

Proposal: Erection of 1 no. detached bungalow

Application No.: 61922/FUL
Decision level: DEL
Recommended Decision: Refuse
Applicant: Mr Graham Lowe

Appeal Decision: Dismissed
Date: 13/03/2018
Appeal type: Written Representations

Location: Bungalow 3, Watling Street, Tottington, Bury, BL8 3QP

Proposal: First floor extension

Appeal Decision

Site visit made on 30 January 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2018

Appeal Ref: APP/T4210/W/17/3182611

**Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom
BL8 4PD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Andrew Winstanley against the decision of Bury Metropolitan Borough Council.
 - The application Ref 61646, dated 11 June 2017, was refused by notice dated 14 August 2017.
 - The development proposed is change of use of an agricultural building to a dwelling house.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the change of use of an agricultural building to a dwelling house at Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom BL8 4PD in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2 (1) of the GPDO through application Ref 61646, dated 11 June 2017. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GPDO.

Application for costs

2. An application for costs was made by Mr Andrew Winstanley against Bury Metropolitan Borough Council. This application is the subject of a separate Decision.

Background

3. The building that is the subject of this appeal forms part of Lower Dickfield Farm which is to the north-west of Ramsbottom. The farm contains a two storey pitched roof residential dwelling. The appeal building was the subject of an appeal decision issued on 19 May 2017¹ which related to a prior approval application under Schedule 2, Part 3, Class Q(a) the GPDO. This appeal also related to a second stone built building.
4. The appeal decision resulted in prior approval being granted for the building

¹ Appeal Decision Ref: APP/T4210/W/17/3168025

that is the subject of this appeal, but not for the stone-built building. The findings of this decision were confined to Class Q(a) only. The scheme that is the subject of this appeal relates to Class Q(a) and (b).

Procedural Matters

5. For completeness and clarity, I have used the address from the appellant's appeal form, as this more accurately reflects the appeal site's location.
6. Schedule 2, Part 3, Class Q(a) and (b) of the GPDO permit development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.
7. Development coming within Class Q is deemed to be granted planning permission by the Order provided that it would comply with the limitations listed in paragraph Q.1 of Class Q. It is a condition of Class Q, amongst other things, that where the development proposed is development under Class Q(a) together with development under Class Q(b), the development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to its impact on: transport and highways; noise; contamination; flooding risks on site; whether the location or siting of the building would make it otherwise impractical or undesirable for the building to be used as a dwellinghouse; and the design or external appearance of the building (paragraph Q.2(1)).
8. An application for prior approval under Part 3 must be accompanied by the items listed in sub-paragraphs (a) to (e) together with any fee required to be paid (paragraph W(2)). This application is the subject of provisions of paragraph W of this Part of the GPDO.
9. The GPDO also states at paragraph W(11) that development must not begin before one of the following:
 - (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;*
 - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or*
 - (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.*
10. Despite the declaration date on the application form, the appellant's application for prior approval was submitted by email to the Council on 19 June 2017. However, the parties clarified, as a result of my request, that the required application fee did not accompany the originally submitted application.
11. The application fee was sent by recorded delivery, which was received and signed for by the Council on 21 June 2017. The application was therefore a

complete application for the purposes of paragraph W(2) on 21 June 2017. The Council issued a determination on 14 August 2017 that its prior approval was refused.

Main Issues

12. The main issues are:

- whether the development would be permitted development for the purposes of the Order, having regard to the limitations listed in paragraph Q.1 of Class Q, with particular regard to building operations;
- if so, whether planning permission is deemed to have been granted for the development by reason of the timing of the Council's decision; and
- if not, whether or not Prior Approval should be given under paragraph Q.2(1) of Class Q.

Reasons

Permitted development

13. On the basis of the information submitted with the application, and my observations during my site visit, there is no dispute between the parties that, with the exception of the limitation listed in paragraph Q.1(i), the development would be permitted development for the purposes of the Order, having regard to the limitations listed in paragraph Q.1 of Class Q.
14. Development is not permitted due to the limitation in paragraph Q.1(i) if *'the development under Class Q(b) would consist of building operations other than:*
- (i) the installation or replacement of—*
- (aa) windows, doors, roofs, or exterior walls, or*
- (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and*
- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).'*
15. The appeal building has no floor slab, no internal blockwork and no insulation. The building is, however, constructed from a portal frame that was granted planning permission in 2010². The steel beams are set into the ground and concrete. Yorkshire boarding covers the elevations and metal profile sheeting the roof. There is a large central opening facing fields to the east.
16. The Council submit that, having sought advice from the Council's Building Control Team Leader, in order to comply with Building Regulations: a new concrete slab will be required including a damp proof membrane and insulation; a new independent wall so that the existing Yorkshire boarding can be kept to provide weather and air tightness, insulation and electrical and plumbing services; and the roof construction will need to provide appropriate weather tightness and be insulated. While, drainage, water and electrical connections will be required, these matters were all explored in the 2017 appeal decision and there have been no change in circumstances.

² Council Application Ref: 52846

17. In terms of the installation of windows, doors, roofs, or exterior walls, no issue is raised by the Council that they would be reasonably necessary for the building to function as a dwellinghouse, having regard to the plans submitted with the application. However, the Planning Practice Guidance (the Guidance)³ explains that *"the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling"* and that *"it is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right."*
18. The GPDO does not, however, make a distinction between structural and non-structural works, and it places no restriction on whether works are structural or not. Even so, it was held in *Hibbitt v SSCLG [2016] EWHC 2853* that the building must be capable of conversion to residential use without new structural elements, and that the existing building should be sufficiently strong enough to bear the loading from the external works.
19. The plans show the existing steel portal frame would remain. It provides the structural frame of the building along with the Yorkshire boarding and the plastic coated corrugated steel roof covering, which would also remain.
20. In response to the Council's evidence, the appellant submits that should any structural works be necessary in order to comply with Building Regulations then they would not be 'development'. Section 55(1) of the Town and Country Planning Act 1990 (the Act) states that *"development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.'* Section 55(2)(a) of the Act explains that certain operations shall not be taken to involve development: *(a) the carrying out for the maintenance, improvement or other alteration of any building of works which: (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building.*
21. I note that the Guidance⁴ explains that categories of work that do not amount to development include: interior alterations and building operations which do not materially affect the external appearance of a building. The plan shows that an internal wall would be formed, and the appellant does not dispute the need for a slab floor.
22. Although I do not have structural calculations before me, neither would, however, be structural elements of the building. Moreover, the Council do not dispute the appellant's point that the building is sufficiently strong enough to facilitate the changes shown on the plan.
23. While the Council assert that the works outlined by Building Control are necessary, and indeed they may well be, but it is a matter of fact as to whether any such works will affect only the interior of the building, and not materially affect the external appearance of the building which are the criteria used in Section 55(2)(a) of the Act.
24. Having regard to these, I consider that the extent of the works described by

³ Ref ID: 13-105-20150305

⁴ Ref ID: 13-001-20140306

the Council would not amount to 're-building' as the building has not been weakened, damaged or destroyed. Nor would the works represent a substantial re-building of the pre-existing structure, a 'fresh build', as they would not go a long way beyond what could reasonably be considered to be a conversion. The works would be an improvement or other alteration under Section 55(2)(a) of the Act. Thus, the building is capable of conversion.

25. The appeal scheme is not directly comparable to the scheme that was subject of the *Hibbitt* judgement as this development involved the construction of all four exterior walls, which was held to go well beyond what could reasonably be described as a conversion.
26. The building operations, other than those listed in paragraph Q.1(i)(aa) and (bb) would therefore be reasonably necessary for the building to function as a dwellinghouse. For these reasons, I conclude that the development would be permitted development for the purposes of the Order, having regard to the limitations listed in paragraph Q.1 of Class Q.

Timing of Council's decision

27. Based on the evidence before me, the application was a complete application for the purposes of paragraph W(2) on 21 June 2017. It was at this point that I consider application Ref: 61646 became compliant with the statutory requirements and was thus valid.
28. Despite the Council's letter of 21 June 2017 referring to the 16 August 2017, on that basis the appellant should have received notification of a determination from the Council no later than the expiry of the 17 August 2017 to meet the 56 day notification requirements stated in paragraph W(11)(c), as the 56 day period only starts the day after the application became complete.
29. I note the Council tried to send their decision by email on 14 August 2017, but this did not leave the Council's server until 18 August 2017. Nevertheless, the decision was sent by 2nd class post. This was received by the appellant on 17 August 2017. The notification issued by the Council was therefore received by the appellant within the relevant 56 day period.

Whether or not Prior Approval should be given

30. There is no dispute between the parties that there have not been any changes to the circumstances which were presented and considered as part of the 2017 appeal decision in respect of: transport and highways; noise; contamination; flooding risks on site; and whether the location or siting of the building would make it otherwise impractical or undesirable for the building to be used as a dwellinghouse. Based on the evidence before me, I concur with this view.
31. While the design or external appearance of the building was not considered as part of the 2017 appeal decision, the Council do not raise any concerns about the application in this regard. I find the design and external appearance of the building to be acceptable. Thus, it follows that prior approval should be given.

Conclusion

32. I therefore conclude that the appeal should be allowed and approval granted.

Andrew McGlone

INSPECTOR



Costs Decision

Site visit made on 30 January 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2018

Costs application in relation to Appeal Ref: APP/T4210/W/17/3182611 Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom BL8 4PD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Winstanley for a full award of costs against Bury Metropolitan Borough Council.
 - The appeal was against the refusal of prior approval for the change of use of an agricultural building to a dwelling house.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Parties in the appeal process are also normally expected to meet their own expenses. In order to be successful, an application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant considers the Council has prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; not produced evidence to substantiate each reason for refusal on appeal; made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; persisted in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable; and failed to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
4. A considerable amount of evidence was provided by the parties as to whether the Council notified the appellant before the expiry of 56 days following the date on which the application was received by the Council. Although the Council suggested that this point was irrelevant, it is a fundamental requirement of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) that is clear for all to understand. While, my findings do not wholly accord with one party or another, I did, in finding that the Council had complied with paragraph W(11)

- of the GPDO, rely upon the full evidence base that was before me. Hence, the appeal has not, in this regard, resulted from unreasonable behaviour.
5. An appeal decision was issued on 19 May 2017¹ concerning the appeal building. This decision resulted in prior approval being granted under Schedule 2, Part 3, Class Q(a) the GPDO. Notably, the findings of the 2017 decision were confined to Class Q(a) only, unlike this scheme which relates to Class Q(a) and (b). As such, the Council was entitled to form a view and arrive at a decision based on the matters before them. In doing so, they made it clear that they did not raise concerns with Class Q(a).
 6. Instead, concern was raised as to whether the development under Class Q(b) would consist of building operations other than those listed paragraph Q.1(i)(i). This matter had not been explored in the 2017 appeal decision as this paragraph only applies to development under Class Q(b).
 7. Although I found in the applicant's favour, insofar as the extent of building operations and whether internal changes amount to 'development', this was a matter that was far from clear cut. The Council needed to exercise its planning judgement based on the specific circumstances of the case. While, the applicant disagreed with the Council's judgement, I do not consider that the Council's view was vague, generalised or inaccurate or not supported by any objective analysis. It was ultimately a judgement that they were entitled to make based on the evidence before them. Given this, while the applicant has pursued the Council's decision at appeal, I do not consider that they have incurred costs due to unreasonable behaviour by the Council who also took into account case law² and the advice from Building Control.
 8. They did, however, argue that the scheme did not represent a conversion. In the 2017 appeal decision, I did not express concern that the building would not amount to a conversion. In the 2018 decision, I found that the building is capable of conversion. While the Council has pursued this argument, I do not consider that the applicant has incurred unnecessary or wasted expense beyond what they are expected to meet on their own, given that they would have needed to lodge an appeal against the Council's notification in any event for matters relating to Class Q(b). They would have also, regardless, needed to show how the scheme satisfied paragraphs Q.1 and Q.2.
 9. The GPDO requires assessment against the criteria for development and the conditions that must be met. It is not based on the Council's development plan or national policy. Even though the Council could have considered issuing a split decision solely for Class Q(a), Class Q(b) would still need to be overcome by the applicant before the development could commence. Thus, I do not consider that the Council tried to thwart the earlier grant of prior approval.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

Andrew McGlone

INSPECTOR

¹ Appeal Decision Ref: APP/T4210/W/17/3168025

² *Hibbitt v SSCLG* [2016] EWHC 2853



Appeal Decision

Site visit made on 5 February 2018

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th February 2018

Appeal Ref: APP/T4210/W/17/3189421

Beech House, Clifton Road, Prestwich M25 3HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Brian Sweatman against the decision of Bury Metropolitan Borough Council.
 - The application Ref 61656, dated 22 May 2017, was refused by notice dated 14 August 2017.
 - The development proposed is to build a small bungalow adjoining to the existing garage on land facing Clifton Rd, to the north of Beech House. The timber frame structure would have a man-made slate roof and shiplap cladding to match the garage. Vehicle & pedestrian access would be to the unadopted access road to the south.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. This stretch of Clifton Road is tree lined and bound by stone retaining walls on either side that support the neighbouring higher ground. Whilst dwellings are visible from the road, they are set back a significant distance from it. The lack of building frontage with the road and the surrounding trees create an open, sylvan setting that provides a pleasant transition between the urban development to the east and south and the open countryside to the west.
4. The appeal site forms part of an area of land that lies between Clifton Road and an access road leading off it. This access road serves several substantial properties that are all to the south of the road and are set within large mature gardens. The area of land contains a number of trees and informal shrubs. The only building on this land is a single-storey timber garage, which is clearly read as an ancillary building associated with one of the substantial properties to the south, Beech House. Despite the presence of the garage, which is relatively small in size, this area of land makes a positive contribution to the open and sylvan setting of the area.
5. The proposed single-storey dwelling would adjoin the western elevation of the existing garage. Vehicular access would be off the access road and there would be a pedestrian access off Clifton Road. The dwelling would be higher and significantly larger than the garage. Whilst no closer to Clifton Road than

the garage, due to its size, it would be significantly more visually prominent and dominant when viewed from Clifton Road. This would be exacerbated by the dwellings elevated position above the road. Furthermore, the isolated position of the dwelling on this area of land where there are no other dwellings would fail to reflect the existing pattern of development and erode the openness of the area. Overall, it would represent an incongruous feature in the streetscene.

6. I have had regard to the use of timber cladding, which would soften the appearance of the building. However, I do not consider that this would sufficiently mitigate against the size of the dwelling or its failure to reflect the pattern of development in the area. Furthermore, whilst planting would assist in screening the dwelling, it would take time to establish and in any event I do not consider that it would effectively mitigate the harm the dwelling would have on the openness of the area.
7. I find therefore that the dwelling would significantly harm the character and appearance of the area, contrary to saved Policies EN1/2 and H2/1 of the Bury Unitary Development Plan 1997, which, amongst other matters, seek to ensure that development has regard to the relationship with the surrounding area and the suitability of the site in land use terms with regard to amenity. Furthermore, it would fail to comply with the Council's Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury, which provides guidance on new housing development, including ensuring new development complements and enhances the existing built form within the borough.

Other Matters

8. The appellant has referred me to two developments at Woodlands View and Buckley Lane. Whilst the details of these developments are not before me, the appellant states that they were brownfield sites. Based on the evidence before me and the observations I made on site, I do not consider that the appeal site is a brownfield site. There is no indication that it has had any previous use that has not been ancillary to the host dwelling. Therefore, it has not been demonstrated that there are any material similarities between the approved developments and the proposed dwelling that would weigh it favour of the appeal proposal.
9. The proposal would be constructed of natural materials and utilise renewable energy sources. Whilst the use of sustainable construction methods is commendable, in this instance, I do not consider that it outweighs the harm the proposal would have on the character and appearance of the area.
10. I acknowledge that the proposal would provide economic benefits, for example by way of taxes and contributions to the construction industry. The occupants would also likely make some contribution towards the community. Furthermore, the proposed planting would make some positive contribution towards biodiversity. However, individually or cumulatively, these benefits would not outweigh the overall harm the dwelling would have on the character and appearance of the area. Therefore, I do not consider that it represents a sustainable form of development.
11. I have had regard to the concerns raised regarding the culvert. However, there is no substantive evidence that this issue could not be adequately

addressed by way of an appropriately worded condition, if I was minded to allow the appeal.

Conclusion

12. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR



Appeal Decision

Site visit made on 28 February 2018

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2018

Appeal Ref: APP/T4210/D/18/3193842

Bungalow 3, Watling Street, Affetside, Bury BL8 3QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Lowe against the decision of Bury Metropolitan Borough Council.
 - The application Ref 61922, dated 12 September 2017, was refused by notice dated 26 October 2017.
 - The development proposed is a first floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness and purposes of the Green Belt;
 - the effect of the proposal on the character and appearance of the host dwelling;
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal property forms a detached bungalow located on the outskirts of the village of Affetside. It is accessed via a track from Watling Street which also forms a public right of way. The dwelling has been extended to the rear creating an 'L' shaped property. It is proposed to provide a first floor extension to create a living room with balcony feature, taking advantage of the countryside views. The site is located within the Green Belt.

Inappropriate development

4. Paragraph 89 of the Framework regards the construction of new buildings in the Green Belt as inappropriate development. The Framework outlines a number of exceptions to this. The most relevant to this case is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling.
5. Saved Policy OL/2 of the Bury Unitary Development Plan (UDP) 1997 concerns new buildings in the Green Belt. This policy pre dates the National Planning Policy Framework (the Framework), and whilst it generally reflects current national policy it is inconsistent with it in a number of respects. I therefore give greater weight to the Framework.
6. The Framework does not define what constitutes a disproportionate addition. However the Council's Supplementary Planning Guidance Note 8, New Buildings and Associated Development in the Green Belt 2007 (SPG8) provides guidance on this matter. It advises that the Council may allow extensions up to a third of the volume of the original dwelling. This threshold is reiterated in the Council's Supplementary Guidance Note 6 updated in 2010 which relates to Alterations and Extensions to Residential Properties.
7. I note from the Council's evidence that the property was granted planning permission for a side and rear extension in 2004. The parties agree that the existing and proposed extensions would exceed the 30% increase in volume referred to in SPG Notes 6 and 8. The appeal proposal would therefore result in a disproportionate addition to the property. It would not comply with any of the exceptions in paragraph 89 of the Framework and would form inappropriate development in the Green Belt.
8. The Council in their reason for refusal has stated that the proposal by virtue of its scale and design would form inappropriate development in the Green Belt. However having regard to national policy, whilst the scale of the development is a determining factor, the issue of design and the effect on the character of the dwelling is not relevant to the consideration of inappropriateness. It does however form a material consideration which I shall turn to later in my decision.

Openness

9. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework is to keep land permanently open; the essential characteristic of Green Belts is their openness and permanence. The appeal scheme proposes a first floor extension to the bungalow, raising the roof height by approximately 2 metres and creating a two storey entrance porch and glazed screen balcony.
10. I noted on site visit that the appeal property is visible from the east from Watling Street. As a result of the existing height of the dwelling and the contours of the land, only the upper part of the property can be seen resulting in a relatively unobtrusive development. The proposal to raise the height of the building would mean that the dwelling would be more dominant in the landscape. I consider that as a result the development would cause harm to the openness of the Green Belt would fail to safeguard the countryside from encroachment.

11. I accept that the property is difficult to see from other viewpoints. However the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt.

Character and appearance

12. As I have mentioned above, the Council has raised concern with regard to the design of the proposal and the impact on the character of the property. The existing bungalow is of a simple design constructed in stone and render with a slate roof. The proposed scheme keeps the increase in height of the roof to a minimum and provides roof lights to the front and rear roof planes. The submitted plans also include a proposed balcony with glazed screen which would project forward of the front elevation of the dwelling in line with the two storey porch. I consider that this feature as designed would adversely affect the simple rural character of the existing dwelling. In this regard the appeal proposal would be contrary to Saved Policy H2/3 of the UDP which aims to ensure that extensions and alterations are of a high standard of design sympathetic to the original building and the surrounding area.

Other considerations

13. I acknowledge that the proposed extension would be constructed in matching materials to the existing bungalow and would reuse the existing roof slates. I also note that there would be no amenity issues such as overlooking or loss of privacy affecting the living conditions of the occupants of neighbouring dwellings. These factors attract limited weight in favour of the appeal.

Conclusion

14. The Framework indicates that 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 harm to the Green Belt and any other harm is clearly outweighed by other considerations. I consider that the harm by reason of inappropriateness, the adverse effect on the openness of the Green Belt and the harm to the character of the dwelling are clearly not outweighed by the other considerations outlined above. Very special circumstances necessary to justify the development do not therefore exist.
15. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenfull

INSPECTOR

**Details of New Enforcement Appeals Lodged
between 13/02/2018 and 18/03/2018**



Case Ref: 17/0015

Date of Appeal: 02/23/2018
Appeal Type: REP

Location: 96 Scholes Street, Bury, BL8 2RA

Issue: Extension at rear

Case Ref: 16/0321

Date of Appeal: 03/13/2018
Appeal Type: REP

Location: Parkers Fishing Lodge, land at rear of 15 Lodge Side, Bury, BL8 2SW

Issue: Erection of timber building

Total Number of Appeal Cases: 02
