

# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>15 December 2020</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A

<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	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:-**

**Contact Details:-**

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**Planning Appeals Lodged  
between 02/11/2020 and 06/12/2020**



**Application No.:** 65741/FUL

**Appeal lodged:** 03/12/2020

**Decision level:** DEL

**Appeal Type:** Written Representations

**Recommended Decision:** Split Decision

**Applicant:** Mr B Coleman & Miss J Madden

**Location** 1 Clyde Terrace, Radcliffe, Manchester, M26 4PL

**Proposal** Proposal A - Dropped kerb and creation of parking space.  
Proposal B - Single storey front/side extension.

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**Total Number of Appeals Lodged: 1**

**Planning Appeals Decided  
between 02/11/2020 and 06/12/2020**



**Application No.:** 65562/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mr Spillard

**Location:** 41 Arthur Lane, Ainsworth, Bolton, BL2 5PR

**Proposal:** Conversion of stable to dwelling with single storey extension

**Appeal Decision:** Dismissed

**Date:** 27/11/2020

**Appeal type:** Written Representations

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## Appeal Decision

Site Visit made on 16 October 2020

**by R Morgan BSc (Hons) MCD MRTPI**

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

**Decision date: 27<sup>th</sup> November 2020**

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**Appeal Ref: APP/T4210/W/20/3258314**  
**41 Arthur Lane, Ainsworth, Bolton BL2 5PR**

- 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 Gary Spillard against the decision of Bury Metropolitan Borough Council.
  - The application Ref 65562, dated 24 May 2020, was refused by notice dated 23 July 2020.
  - The development proposed is the conversion of stable to dwelling with extension.
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### Decision

1. The appeal is dismissed

### Main Issue

2. The site is within the Green Belt and so the main issues are:
  - i) whether the proposal would be inappropriate development in the Green Belt, including the effect on openness, having regard to the National Planning Policy Framework and relevant development plan policies; and
  - ii) whether the proposal would provide a safe and suitable access.

### Reasons

*Whether the proposal would be inappropriate development in the Green Belt*

3. The appeal proposal would involve the conversion and extension of an existing block of three stables, to form a single storey dwelling with garden area and space for parking. The site is one of a number of properties which front onto Arthur Lane, in a rural location outside the village of Ainsworth.
4. The site is within the Green Belt, where inappropriate development is restricted in order to prevent urban sprawl and keep land permanently open. Paragraph 146 of the National Planning Policy Framework (the Framework) identifies certain forms of development that are not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings, where they are of permanent and substantial construction. Saved Policy OL1/4 of the Bury Unitary Development Plan 1997 (UDP) is consistent with this guidance.

5. In this case, the stable building is of permanent and substantial construction and could be converted without the need for major reconstruction. The site is surrounded by fencing, with an area surfaced with wood chippings at the front of the building. To the side is a metal shipping container. The proposed conversion and the creation of a domestic garden would change the appearance of the site, but the building and boundary fencing are already there, and the proposal would not cause harm to the openness of the Green Belt.
6. Framework paragraph 145 states that the extension or alteration of a building in the Green Belt would not be inappropriate development, provided that this does not result in disproportionate additions over and above the original building. Saved UDP Policy OL1/2 allows for limited extension, alteration or replacement of existing dwellings, but this is not fully compliant with more recent guidance in the Framework, which provides for extensions to buildings. I have therefore used the Framework wording instead.
7. The planning officer's report suggests that the extension would result in an increase in volume of approximately one third. The size of the extension would be acceptable and would not represent a disproportionate addition over and above the existing building.
8. The proposal would not, therefore, constitute inappropriate development in the Green Belt. It would be consistent with the provisions of Framework paragraphs 145 and 146. It would also comply with the first three bullet points of Saved UDP Policy OL1/4 relating to the conversion and extension of buildings in the Green Belt.

*Whether a safe and suitable access would be provided*

9. Arthur Lane is an unadopted, no-through road which is accessed directly from the B6196. A number of properties are served by Arthur Lane, and whilst the lane is reasonably wide at the junction, visibility is poor, particularly for vehicles attempting to turn right onto the B6196. This is due in part to the location of the access close to a bend in the main road, but the situation is made considerably worse by the presence of a high conifer hedge immediately adjacent to the carriageway, which forms the boundary of 37 Arthur Lane (No 37). This hedge presents a solid feature which significantly limits visibility to the north.
10. The substandard nature of the access onto the B6196, caused by the poor visibility, is not a matter of dispute. From my own observations during my site visit, I found turning right out of Arthur Lane to be hazardous, and I did not attempt it. Visibility towards the south is much better, and making a left turn out of Arthur Lane is easier, but for larger vehicles the lack of visibility towards the north is still likely to cause difficulties, especially since the B6196 is not particularly wide in this location. I note that residents have installed a mirror opposite the junction to assist with visibility, but this provides only a partial improvement.
11. Reference has been made to three serious car crashes in the vicinity in the last ten years, although it is not clear whether they were linked to the poor visibility at the Arthur Lane junction.

12. The situation would be improved for all users of the access if the height of the hedge at No 37 were to be significantly reduced, but the hedge is in private ownership and is outside of the appellant's control. The Council has explained that it is unable to take enforcement action in relation to the hedge.
13. The proposed conversion would generate traffic movements, both during building works and occupation of the dwelling. The proposed house would be small and associated traffic levels likely to be low. However, there would be additional daily traffic movements which, due to the poor visibility at the access, would add to the potential for conflicts with vehicles travelling along the main road, with associated risks for highway safety. Options for journeys by modes of transport other than the car are limited in this location, and the limited visibility, traffic speeds and narrow pavements along the B6196 mean that walking and cycling are unlikely to be attractive alternatives.
14. I acknowledge that the lack of planning controls means that the existing use of the site is not restricted, but the Council and local residents have confirmed that the stables have historically been used by the owners of 41 Arthur Lane, which is located immediately opposite the appeal site. As such, users would not need to travel to the site. It is therefore likely that any traffic movements associated with the use, above and beyond occasional deliveries of feed and bedding, would be limited.
15. I note the appellant's comments that the stables are currently used by other people who do not live at 41 Arthur Lane, and that this involves two or three vehicles visiting the site each day. However, I have been provided with no further evidence to support the appellant's case, such as information about any formal arrangements which may be in place with users of the stables, or detailed evidence of regular daily movements of traffic to and from the site.
16. In the absence such information, an existing level of use of the site, over and above an incidental use associated with 41 Arthur Lane, has not been clearly demonstrated. I am therefore unable to conclude that the proposal would not result in an intensification of the existing use, with associated unacceptable harm to highway safety.
17. Reference has been made to other rural buildings in the vicinity, including stables, being converted to housing. However, I am unaware of the details of these cases, or the circumstances surrounding any approvals that may have been granted.
18. I note comments that the proposed conversion of the stables would mean less horses using the junction to access local bridleways, reducing the risk of accidents involving horses. However, from the evidence provided it is unclear whether horses stabled on Arthur Lane do regularly use this access, or whether other options are available to access local bridleways. No specific concerns have been raised about safety issues at the junction caused by horses, so the extent to which this is an existing problem is unclear.
19. I conclude that the proposal would not provide a safe and suitable access. It would conflict with the fifth bullet point of Saved UDP Policy OL1/4 which requires that suitable access and likely traffic generation can be accommodated without creating a traffic hazard. There is further conflict with

the detailed guidance in the Conversion and Re-use of Buildings in the Green Belt Supplementary Planning Document 2007, which in paragraph 4.9 requires consideration of the suitability of a proposed use in relation to the impact on the environment, including traffic generation and access arrangements.

20. The Council's second reason for refusal relates to concerns about the ability of the proposal to secure appropriate access to the adopted highway. The proposal would make use of the existing access onto Arthur Lane, which is adequate. The submitted site plan does not include the access road within the red line boundary, but it is clear from the plans and from my site visit that there is existing and adequate vehicular access from the site to Arthur Lane. Although Arthur Lane is unadopted, there is no suggestion that it would not continue to be available as an access to the appeal site, or to the other properties which it serves.
21. In terms of the adequacy of the access arrangements within the site itself, the submitted drawing is diagrammatic but shows space for parking and manoeuvring of vehicles within the curtilage. I am therefore satisfied that the proposal would provide adequate access both within the curtilage of the site and, between the site and the adopted highway.
22. The Council has referred to Saved UDP Policy H2/2 in its decision notice, which refers to the layout of new residential development. However, in this case the layout of the site itself is acceptable with regards to car parking and access, so the proposal does not conflict with this policy.

### **Conclusion**

23. I have found that the proposal would not be inappropriate development in the Green Belt. However, insufficient information has been provided to clearly demonstrate that the proposal would not result an intensification of the existing use, with associated risks to highway safety resulting from increased use of the substandard access at the junction of Arthur Lane and the B6196. This is a significant concern, which outweighs the lack of harm to the Green Belt.
24. Material considerations do not indicate that I should conclude other than in accordance with the development plan as a whole. I therefore conclude that the appeal be dismissed.

*R Morgan*

INSPECTOR