

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	28 June 2022
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:-

Contact Details:-

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**Planning Appeals Lodged
between 21/05/2022 and 17/06/2022**



Application No.: 67368/FUL

Appeal lodged: 09/06/2022

Decision level: DEL

Appeal Type:

Recommended Decision: Refuse

Applicant: Philip Rothwell Development Services

Location The Coach House, Former Ainsworth Nursing Home, Knowsley Road, Ainsworth, Radcliffe, Bolton, BL2 5PT

Proposal Demolition of existing building to be replaced with 2 no. dwellings

Application No.: 67554/FUL

Appeal lodged: 23/05/2022

Decision level: DEL

Appeal Type:

Recommended Decision: Refuse

Applicant: Mr Abdullah Naveed

Location 73 Brierley Street, Bury, BL9 9HW

Proposal Change of use from dwelling (Class C3) to residential institution (Class C2) for proposed children's care home (for up to 4 children with a minimum of 2 full time carers overnight, 1 sleeping, 3 full time carers during the day and living together as a single household)

Total Number of Appeals Lodged: 2

**Planning Appeals Decided
between 21/05/2022 and 17/06/2022**



Application No.: 66800/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: mr sivvery

Location: Hague Hall Farm, Mather Road, Bury, BL9 6TJ

Proposal: Change of use of a building to additional living accommodation; Two storey side extension and single storey front extension

Appeal Decision: Dismissed

Date: 27/05/2022

Appeal type: Written Representations



Appeal Decision

Site visit made on 16 March 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/T4210/W/21/3284471

Hague Hall Farm Mather Road, Bury BL9 6TJ

- 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 Stewart Sivvery against the decision of Bury Metropolitan Borough Council.
 - The application Ref 66800, dated 31 March 2021, was refused by notice dated 1 September 2021.
 - The development proposed is described as: 'Change of use of a building to additional living accommodation; two storey side extension and single storey front extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional elevation drawings have been provided at the appeal stage in response to the Council's second reason for refusal relating to the inaccuracy of the plans and inability to determine the effect of the proposed porch on the character and appearance of the area.
3. These elevation drawings show a porch extension projecting out 1.2 metres as opposed to the 3 metres shown on the original plans. This brings the proposed elevation in line with the proposed floor plans as originally submitted and considered by the Council. As this would correct an error on the plans I am therefore satisfied that no party would be prejudiced if I were to take these into account. I am therefore considering the appeal on the basis of this revised plan.
4. Further drawings have also been provided showing a range of materials superimposed on the proposed development. Given that such materials could be controlled through planning condition regardless, I have not taken these plans into account.
5. On the site visit I saw a two storey extension was under construction and had replaced the pre-existing workshop and kitchen structures to the side. Furthermore, a single storey extension to the front elevation, in a similar position to the proposed porch had also been constructed. These were in addition to a single storey extension that I saw had been carried out to the rear as part of a previous approval¹. In its appeal statement, the Council states that due to the works that have been carried out it considers the application to have

¹ Planning application reference 65232.

been made under Section 73A. Nevertheless, I have determined the appeal on the basis of what is before me having regard to the proposed plans.

Main Issues

6. The main issues are:

- Whether the development 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 of the development on the openness of the Green Belt;
- The effect of the development on the character and appearance of the area; and,
- Whether the 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

Whether Inappropriate Development

7. The appeal property is a detached two storey farmhouse accessed via a driveway from Mather Road. The site is bounded by open fields. The building is of a traditional appearance with a distinctive linear character comprising of a wide frontage and a comparatively narrow gable. The building includes a two storey wing with a dual pitched roof set forward of the main elevation.
8. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 149 makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of the exceptions of this is 149. 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. Similarly, saved Policy OL1/2 of the Council's Unitary Development Plan (1997) (UDP) follows the same principles, whilst the justification states that such proposals should have regard to any supplementary planning guidance issued by the Council.
9. Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt (2007) (the SPD) sets out that in general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling. However, it notes that each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain situations, giving the example of a site being in a particularly sensitive area or if there are other amenity issues.
10. The Framework does not define 'disproportionate' and makes no reference to the effect on openness of the Green Belt in relation to this particular exception. However, the appellant has calculated that the current scheme alongside the extension approved by 65322 would amount to a 30.21% increase in volume over and above the original building. This has not been disputed by the Council and would fall within the SPD guideline of a third.

11. The Council states in its delegated report that incorporating the existing buildings into the dwelling is acceptable and would not create any additional volume in the Green Belt. This is in reference to the single storey workshop and kitchen that have now been incorporated into the two storey structure that exists on site. Nothing I have seen or read would lead me to conclude otherwise in this respect. These structures are shown on the existing drawings and photographs provided by the appellant and occupy a comparatively small floor area at the end of farmhouse.
12. However, permission is sought to extend the buildings to two storeys above the volume of those pre-existing single storey structures, creating an additional volume at first floor level. Nonetheless, given the wide frontage of the building, and the setback proposed to the front wing, this addition at the end of the building would appear subservient. Furthermore, given the setback, the footprint would actually be decreased compared to the pre-existing workshop and kitchen buildings.
13. A porch is also proposed to the front elevation. However, this would be of a modest scale, projecting out 1.2 metres from this elevation. The single storey rear extension approved by 65232 is also modestly sized, projecting out for around half the width of the gable of the existing dwelling and occupying less than half the width of the rear elevation.
14. Having regard to the linear nature of the existing dwelling and the subservient nature of the extensions, their modest scale, and the fact that that together they fall within the guidelines for extensions in the SPD, I am satisfied that the scheme would not result in a disproportionate addition to the existing building.
15. Therefore, I find that the scheme before me would not be inappropriate development in the Green Belt and would accord with the provisions of paragraph 149 c) of the Framework. With respect to openness and the purposes of the Green Belt, given my findings that it would not be inappropriate development, the development would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. As such it would accord with saved UDP Policies OL1/2 and OL1/4 and the SPD in this regard.
16. As the scheme does not amount to inappropriate development in the Green Belt, there is no requirement to assess if there are other considerations that amount to very special circumstances to justify it.

Character and Appearance

17. The farmhouse is visible at a distance from a public right of way which skirts around the adjacent fields. The two storey side extensions and the porch would be visible from here at various points, however in comparison to the current size and appearance of the appeal building, the increase in bulk would be small and the proposed extensions would not appear as dominant additions.
18. Whilst the Council has raised concerns over stonework, this appears to be primarily related to the development that has been carried out on the site. However, if I were to allow the appeal, details such as the style of stonework could be secured by condition.
19. Having regard to the existing plans and the photographs provided, and consistent with the traditional appearance of the building, both gable elevations

had a high solid to void ratio. Indeed, aside from a window and door on the kitchen building that has since been incorporated into the structures that currently exist on site, these were both blank. Windows in the rest of the building tend to be modestly sized.

20. It is proposed to install large windows serving the lounge, office, bedroom 2 and bedroom 3 in the pair of gables forming the side elevation of the extension. These comparatively wide window openings would not be reflective of the existing fenestration in the building. This elevation would also be at odds with the aforementioned high solid to void ratio that is characteristic of the existing building. The resulting harm arising to the host building from the proposed fenestration would be easily visible from the public right of way.
21. For these reasons I therefore conclude that the scheme before me, namely the window arrangement, would result in harm to the character and appearance of the area. The proposal would therefore conflict with saved UDP Policies H2/3 and EN1/1 insofar as they seek to ensure new development preserves character and appearance.

Conclusion

22. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR