Ward: Ramsbottom Item 03

Applicant: Mr & Mrs J Packun

Location: Higher Ash Barn, 12 Hawkshaw Lane, Tottington, Bury, BL8 4LD

Proposal: Change of use of land to residential, engineering operations and erection of a

garage/garden outbuilding.

**Application Ref:** 71009/Full **Target Date**: 04/08/2025

**Recommendation:** Approve with Conditions

#### Description

The application relates to a site which comprises Higher Ash Barn, a residential dwelling and associated land.

The site is located in the Green Belt, Landscape Character Area and West Pennine Moors and is an area characterised by open land and fields. It is accessed off Hawkshaw Lane which leads from the village of Hawkshaw just over half a mile away. The nearest residential property is Higher Ash Farm directly to the north which shares access from Hawkshaw Lane. Withins Farm is just over 100m away to the north west. To the south west is Hawkshaw Hall approx 200m away.

All three of these neighbouring properties and the application site are on the Council's Draft Local List as Non-Designated Heritage Assets.

Two public rights of way (PRoW) cut through the site. One PRoW runs west to east between the Barn and Higher Ash Farm and the other crosses the site in a north/south direction.

The application seeks the change of use of land to residential, engineering operations and erection of a garage/garden outbuilding.

The proposed outbuilding would be located on a piece of land to the east of the dwelling. The land has been excavated out to a lower level than the barn which required planning permission, hence its inclusion in the description.

The change of use of the land is required as it was outside the red edge site of the planning application for the conversion of the barn to dwelling.

The proposed building would be located to the east of the dwelling approximately 8.5m away and would be 5.5m in length, 6.4m wide, 2.4m to eaves with a ridge height of 4m.

The outbuilding would be accessed via two full height timber double doors on the south elevation. The garage would provide parking for 2 cars with 2 EV chargepoints and would also accommodate plant equipment for the heating system within the house and storage for garden equipment and such like.

Materials would comprise timer clad elevations and a slate roof.

The application is a resubmission of a scheme which was previously refused for a detached garage/store which was refused for 4 reasons -

- 1. Siting, scale, massing and height which would be harmful to the openness of the Green belt
- 2. Design and appearance including full height roller shutter doors and an external staircase would be introduce discordant and unsympathetic features which would be detrimental to the landscape and harmful to the setting of the NDHA
- 3. Siting, scale and massing and impact on the residential amenity of the adjacent residential property.
- 4. Insufficient information with regards to need, proposed siting and design and assessment of the special qualities of the of the landscape are and Green Belt which should include a case for Very Special Circumstances.

The applicant states that to address the reasons for refusal, the scheme has been redesigned, reduced in height and scale to reduce the impact on the Green Belt and special landscape area and have provided new plans and topographical details to enable a full assessment of the proposal.

#### Procedural matters

The application was originally submitted and validated 21/8/24.

It later transpired the application was invalid due to inaccuracies in the description, inaccurate red edge application site area and concerns with regards to the size and scale of the proposed outbuilding.

Following receipt of revised information and plans, the application was made valid on 9/6/25 The application was thereafter publicised and neighbours re-notified.

#### **Relevant Planning History**

01551/E - Proposed conversion of barn to one dwelling - Enquiry completed 14/08/2014 02530/E - Proposed change of use/conversion of barn to form one dwelling with associated single storey extension, external alterations (including new/replacement doors and windows), external works associated with access/parking/hardstanding areas, new pond and hard/soft landscaping - Enquiry completed 23/03/2021

02741/E - Construction of a garage/garden outbuilding - Enquiry completed 20/07/2022 59866 - Conversion of barn to one dwelling including roof extension - Approve with Conditions 28/04/2016

66085 - Change of use of barn to form dwelling including single storey, two storey and roof extensions; External alterations include hardstanding area, new pond and landscaping - Refused 11/12/2020. Allowed on appeal 15/7/21.

66739 - Change of use from barn to dwelling; Associated single storey, two storey and roof extensions; External alterations; External works soft and hard landscaping - Approve with Conditions 07/06/2021

68772 - Erection of two storey garage/garden outbuilding - Refused 31/07/2023

#### **Publicity**

Letters sent to 7 properties on 10/09/24 Site notice posted 23/8/24 Press advert 21/8/24

The application as initially submitted resulted in the following representations being received.

#### 2 objections -

- On the basis that the building is to be built on green belt land without strong or necessary justification is surely grounds enough for it to be rejected.
- The application has already been rejected and not a great deal has changed since the

- original detail.
- The area of outstanding natural beauty will not be improved by the construction and the
  precedent set for additional applications in the area should it be approved would be very
  negative and concerning.
- The construction would add to the already excessive traffic along Hawkshaw Lane which causes ongoing damage to the road surface particularly by large construction vehicles.
- The building would be visible from the surrounding area.
- The water treatment plant must be already housed somewhere else as they have been living there. The heat pump would normally be outside in any case.
- The proposed garage is actually 126m2 i.e. 1,356 sq ft which is the size of a detached house and this perhaps gives a clue as to the nature of the application

#### 2 support -

- Cannot see a problem with the garage
- properties have been made more appealing in the area and the applicant has done a good job of the barn conversion
- being a widespread area there is a need for a secure garage
- the proposed building would be hidden from view.

The application was made invalid and following receipt of revised information, was subsequently made valid on 9/6/25 and re-publicised.

Letters sent to 7 properties on 10/6/25. Site notice posted 12/6/25. Press advert 19/6/25.

8 further representations received.

5 objections and 3 in support.

#### Objections

- Groundwork machinery already doing work on the site on a daily basis, spoiling the landscape and causing noise pollution. This is a residential and agricultural area and as such is not the right location for a proposed engineering works. This is Greenbelt land not an industrial site
- Object to change of use to residential (and engineering), and would hate for another residence to be built on this land, causing further traffic, noise & air pollution, damage to the already crumbling lane & further disruption from building works.
- It is a very open piece of land making it highly visible for miles around. I do not believe it will add to this area of outstanding natural beauty, but further take away from it.
- We have a property on Hawkshaw Lane, use an air source heat pump and a water filtration system. The elements kept indoors use no more than 1.5m space. Why is a 2-storey 126m2 building required?
- The application refers to change of use land to residential. The application title is ambiguous.
- Stated that the proposed engineering works are in relation to a road/driveway to the
  proposed garage. It is submitted that works on this road/driveway may already have
  started due to the amount of heavy plant machinery operating at the site over the past
  months.
- This is a confusing re-submission of App 71009. It is not a change of use, it is not that straightforward. It is an application for the erection of a building in the Green Belt. It is a slight variation of the App 68772 which was refused for perfectly obvious and sensible reasons that still apply.

- There is no proof of very special circumstances and no visual impact assessment.
   Most of the houses nearby do not have garages and manage perfectly well. The site
   was stripped of vegetation and prepared for development some time ago to avoid
   Biodiversity Net Gain issues. It is a slightly smaller building than before but is still an
   unnecessary building and more importantly it does not comply with planning policy.
- The original application was refused for a number of reasons, the majority of which are still relevant and unaddressed.
- The development is plainly visible from both nearby footpaths and roadways.
- The development will also negatively impact the already poor condition of Hawkshaw Lane by way of repeated large vehicle access and the ongoing noise and general disruption to both the neighbourhood and the local wildlife.
- No very special Circumstances have been demonstrated.

#### Support

- Believe this construction should be permitted for several reasons:
- The proposed garage is set well back from the road and will be largely obscured from view. It will not affect the aesthetic or character of the surrounding area, which is predominantly residential and rural in nature. Its location ensures that the visual integrity of the neighbourhood will be preserved.
- They have already completed significant work on this home, all of which has been done
  to an exceptional standard. Attention to quality and detail indicates a commitment to
  enhancing the property in a manner that aligns with and even improves upon the
  standards of the community.
- The request is a reasonable and practical one. It will allow the applicant to secure tools, vehicles or equipment that would otherwise be left outside and at risk. This is not only a matter of convenience but also of security.
- The occupants have made a fantastic job of the renovations and for it to be enhanced
  with the proposed building can only add value to the character of the place. I own the
  barn and fields down the road and the conversion is a lovely property and a pleasure to
  look at.
- Really cant see why there should be any objection to the proposals.
- The property has been brought back to life from being a derelict barn and all the owner wants to do is build a garage to protect his vehicles, water filtration system, possible storage of feed for birds and wildlife..
- The current engineering works that is going on is that the owner is making a pond which will attract more wildlife and improve views for everyone.
- The garage will be out of sight to the majority of people
- Living in Hawkshaw for over 50 yrs we as a family have to go past the property everyday and have no objection but support the application and fully support the application.

#### Response by applicant

- Just for clarity, the proposed 'engineering works' are works to a road/driveway to the proposed garage.
- The garage would not be a commercial use in any way. Just a domestic garage to keep cars and gardening equipment in.
- Also the works that are in progress is a pond that has prior planning consent.

The plans have been further revised (12/9/25) to reduce the footprint of the building from 63sqm to 35.2sqm, height from 4.7m to 4m and change from stone elevations to timber cladding.

Those who have made representations have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations
Public Rights of Way Officer - No response received.
Conservation Officer - No objection
Environmental Health - Contaminated Land - No objection
Greater Manchester Ecology Unit - No objection subject to condition.

#### Pre-start Conditions - Not relevant

#### **Development Plan and Policies**

SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
OL7/2	West Pennine Moors
OL1/2	New Buildings in the Green Belt
HT2/4	Car Parking and New Development
H2/3	Extensions and Alterations
JP-S2	Carbon and Energy
JP-G1	Landscape Character
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-C2	Digital Connectivity
IP-C5	Streets For All

#### **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

#### **Principle**

#### Green belt

The site is designated as Green Belt under PfE JP-G9.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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 of the NPPF makes it clear that development in the Green Belt is inappropriate unless one of eight exceptions apply:

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.

Case law (most recently Warwick DC vs. SoS Levelling Up, Housing and Communities 2022 EWHC 2145) establishes the following general points with regard to Paragraph 154(c):

- [154(c), formerly 149(c)] is not to be interpreted as being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension
- that separation alone does not prevent a development from being part of a dwelling, and that a detached garage could be considered a normal domestic adjunct.

The proposed siting of the garage is approximately 8.5m from the existing dwelling however topographically, the site is located at a different level to the main house. This is still considered to be relatively close to the main house and therefore it is considered that erection of a garage could be considered to be an extension of the dwellinghouse at Higher Ash Barn.

The revised proposal would reduce the footprint and height significantly, and as such considered not to result in a disproportionate additions over and above the size of the original building (Higher Ash Barn).

The proposed garage would be set back within the site and close to established development. It would be single storey and have a footprint and height of a typical domestic garage and the timber externality would be appropriate within the character of the former barn setting.

As such, it is considered the proposed development would be acceptable and comply with the principles of the NPPF and in particular para 154 (c) compliant and as such there is no requirement to demonstrate very special circumstances.

#### **Landscape Character**

The site is within the Holcombe to Greenmount and Higher Summerseat Landscape Character Area (LCA 22), an area of Open Moorlands and Enclosed Upland Fringes (West/South Pennines) as assessed by the GM Landscape Character and Sensitivity Assessment.

Policy JP-G1: Landscape Character states that development within a Landscape Character Type should reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location, including having regard to:

- Topography, geology and drainage;
- Land use and field patterns;
- Semi-natural habitats and woodland cover;
- Archaeology and cultural heritage;
- Settlement, road pattern and rights of way; and
- Views and perceptual qualities.

The interface of new development with the surrounding countryside/landscape is of particular importance. These transitional areas require well-considered and sensitive treatment. In particular, opportunities to improve the intactness and condition of the landscape should be taken.

The proposal has been reduced significantly in footprint and height, and is proposed to be timber cladded which would sensitively respond to the surrounding landscape without any undue impact.

#### Siting and appearance

Garages and outbuildings are normally considered to be an urban element in the Green Belt. Where garaging and other buildings are required, SPD8 advises that the design should be subservient to and closely related to existing buildings.

The garage would be located approximately 8.5m from Higher Ash Barn and as such considered closely related to the host building. It would be a single storey building with a ridge height of 4m and a footprint of 35.2 sqm and considered a subservient addition within the site. Elevations would comprise timber cladding and in terms of the size, design and external appearance would be similar to farm or stable type buildings commonly seen in such rural locations.

The site is located over 80m away from Hawkshaw Lane and whilst the land rises away from the lane towards the site, the garage would be set back into the site next to the rear boundary and therefore not highly visible to views from the west. The ground on which the garage would be located has also been excavated out which would result in the garage sitting at a lower position to the Barn and as such less visible from these views. The proposed garage would also be screened by mature trees to the south and southern boundary and nestled into the site and located close to the host building as advised in SPD8 and set at a lower level, the development would not be highly visible from the surrounding area.

It is therefore considered that given the siting, scale and design of the garage, it is considered the proposed development would not have a significantly harmful impact on the Landscape Character Area or the visual and special character of the Green Belt location and as such would comply with policies JP-G1, JP-G9, OL1/2 and SPD8.

#### Impact on residential amenity

The nearest property to the site would be Higher Ash Farm which is located to the north of the site. This dwelling faces Higher Ash Barn and is set at a slightly higher level by just over 1m. The proposed outbuilding would be approximately 20m away from the front elevation of the neighbour's property and would be off-set from direct views. There would also be a gap retained through the site towards the south when viewed from the neighbour's property.

Given the distance away and difference in levels, it is considered the proposed development would not have a significantly harmful impact on this neighbour.

In terms of impacts on the wider area, Hawkshaw Lane lies to the west, approximately 67m away. There are also 2 public rights of way which cross through the site.

The proposed garage would be positioned in the northern part of the site which is the farthermost point from public views when travelling along Hawkshaw Lane which is also set at a lower level. The proposed garage would also be positioned close to the host building and as such the proposal would be related to the dwelling rather than becoming a sprawled site.

It is therefore considered that the proposed development would not have detrimental harmful impacts on adjacent properties or views both close to and further afield and as such would comply with Policies EN1/2 and SPD8.

#### Heritage

Higher Ash Barn is considered to be a Non-Designated Heritage Asset (NDHA). Paragraph 216 of the National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposed outbuilding would have an indirect impact on the setting of the NDHA identified.

By virtue of the proposals' size, scale, design, materials and resultant massing with the NDHA the proposal would not represent a level of visual impact on the setting of the NDHA that would lead to a loss of significance warranting refusal.

#### Highway issues

The proposed development would not result in any additional traffic or trips to and from the site.

The proposed garage would facilitate the parking of 2 cars for the barn dwelling. SPD11 - Parking Standards in bury states that the Council; will only consider garages as providing a functional car space where the design would genuinely provide for them to be usable on a casual daily basis.

According to SPD11, minimum internal dimensions for a double garage are  $6.4m \times 5.5m$ . the proposals would have an internal footprint of  $8.6m \times 6.6m$  and as such would be a usable space for storing cars. The proposed garage would also be located adjacent to the host building and readily accessible.

It is therefore considered from a highway perspective, there would be no associated issues or concerns and the proposed development would comply with HT2/4 and SPD11.

#### **Ecology**

#### Summary

The only potential issue is biodiversity net gain

#### Bats

Whilst a bat roost was identified previously in the barn under conversion, the additional proposals for a garage will not directly impact the barn or any habitats that may benefit bats in the area. GMEU are therefore satisfied that the proposed garage/outbuilding is very unlikely to affect the conservation status of the local bat population. No further information or measures are required.

#### Other Wildlife

The location of the building is hardstanding. It is very unlikely that there will be any other wildlife issues including to nesting birds. No further information or measures are required.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG) Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021). The development would be located on hardstanding, which will be replace with a building. Both negligible value habitats.

With regard biodiversity net gain, GMEU note the development is partly outside the red edge of the approved barn conversion and therefore the hardstanding on which the application is located is not covered by the existing permission. Google earth imagery indicates that no vegetation has however been present in this location since prior to 2020. (no vegetation on the 2019 aerial, but clearly vegetated in 2013). Therefore whilst this may have been brownfield or bare ground in 2020, GMEU are satisfied that no deliberate damage to vegetated habitats has occurred since the cut-off date for mandatory BNG ie any works that have occurred were incidental and permitted development and that the development is exempt under the de minims rule.

As mitigation/enhancement GMEU would recommend one bird box. This would be conditioned.

#### Response to objectors

- Revised plans have been received to reduce the height and footprint of the building and change the external materials to timber cladding.
- the change of use of land is required as the application site was not within the applicant's residential curtilage.
- BNG has been assessed as not required for this development.
- All other issues have been covered in the above report.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

#### **Conditions/ Reasons**

- 1. The development must be begun not later than three years beginning with the date of this permission.
  - <u>Reason</u>. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2. This decision relates to drawings -

Proposed plans - Location plan, site plan, elevations and floor plans C-267-3 rev G

and the development shall not be carried out except in accordance with the drawings hereby approved.

<u>Reason.</u> For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

3. Prior to first occupation/use of the development hereby approved, 1 no. electric vehicle (EV) charging point (minimum 7kW\*) per parking space shall be provided.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

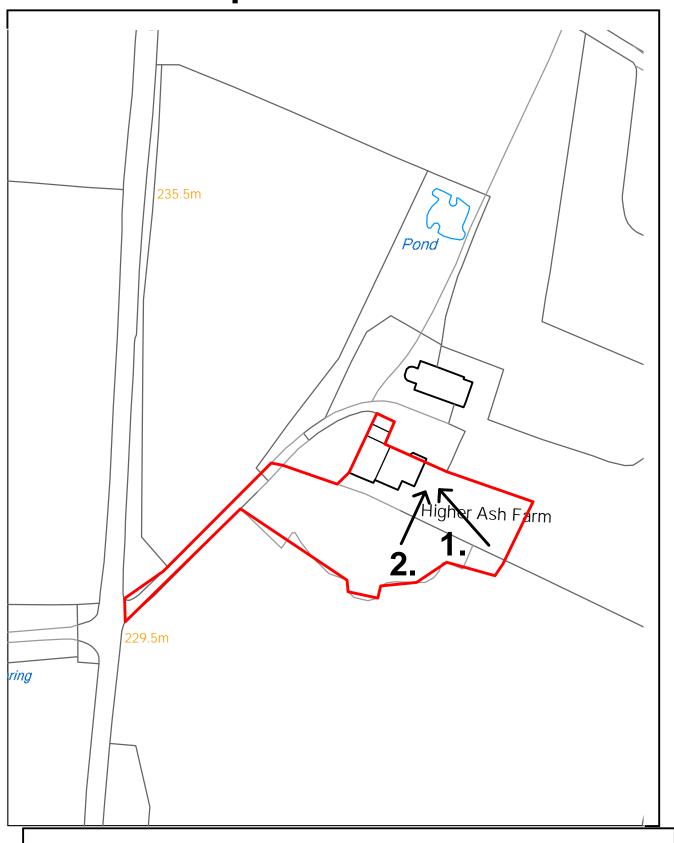
\*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at https://www.gov.uk/transport/low-emission-and-electric-vehicles.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

4. The development hereby approved shall be carried out in accordance with the materials detailed on the approved plan C 267-3 rev G for timber clad elevations. Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design and SPD8.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320** 

# Viewpoints - 71009



ADDRESS: Higher Ash Barn, 12 Hawkshaw Lane, Tottington, Bury, BL8 4LD



Planning, Environmental and Regulatory Services

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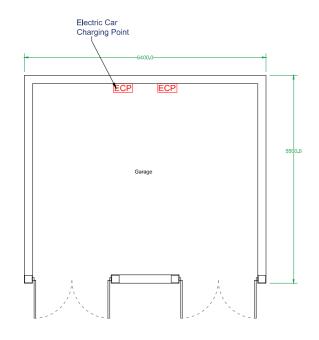
## 71009

### Photo 1

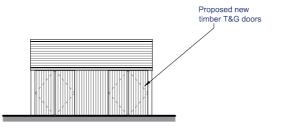


Photo 2

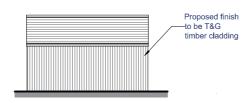




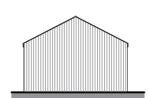
Proposed Garage Ground Floor Plan s c a I e (1:50)



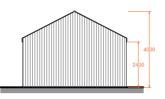
Proposed Garage Front Elevation scale (1:100)



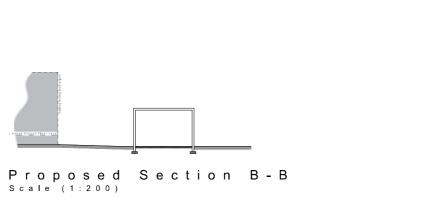
Proposed Garage Rear Elevation

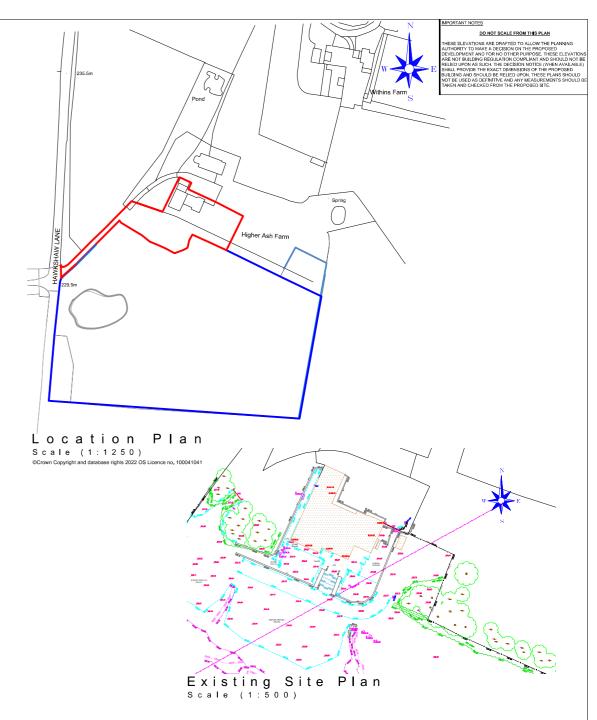


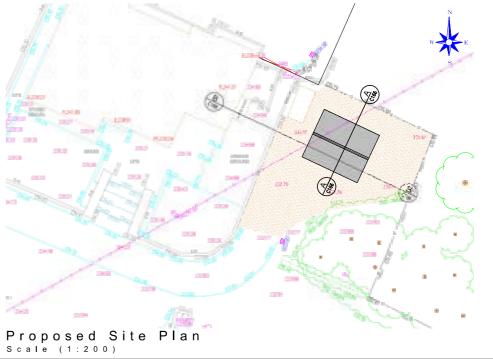
Proposed Garage Side Elevation Scale (1:100)



Proposed Garage Side Elevation scale (1:100)









1:50 / 1:100 @ A1 C 267-3

Mr & Mrs Packun

Proposed Volume of

