
Appeal Decision

Site visit made on 16 May 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 06 June 2017

Appeal Ref: APP/T4210/W/17/3169597

Birch Hey Farm, Turton Road, Tottington, Bury BL8 3QG

- 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 David Webster against the decision of Bury Metropolitan Borough Council.
 - The application Ref 60674, dated 10 October 2016, was refused by notice dated 22 November 2016.
 - The development proposed is to convert and extend a redundant piggery to form a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) whether or not the proposed development would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - ii) the effect of the proposal on the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area;
 - iv) whether or not there are other considerations weighing in favour of the proposal; and
 - v) if the proposal would be 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 it.

Reasons

Whether Inappropriate Development

3. Birch Hey Farm is an isolated dwelling in the open countryside within the West Pennine Moors and the Green Belt. It is set back from Turton Road and accessed via a drive. The appeal concerns a former piggery building which is to one side and to the rear of the house. This single storey building is of brick with a slate roof and is on higher land than the house.
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4. Permissions have previously been granted for conversion of the building into a dwelling in 2011 and 2015. The approved scheme would include partial excavation to provide a split-level ground floor and first floor accommodation within the roof space. The proposal seeks to provide a larger dwelling by fully excavating the site and providing a basement floor beneath the existing ground floor as an alternative to the approved accommodation within the roof space. The proposal, in common with the approved scheme proposes an extension that would project from the front elevation. This would not be as wide as the approved extension but it would be taller. Although the rear of the lower floor would be below ground level the full height and extent of the east facing elevation would be visible above the excavated ground level at the front.
5. Paragraph 89 of the Framework states that new buildings should be regarded as inappropriate in Green Belt but sets out a number of exceptions to this. One of those exceptions 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 building. The proposal would double the floor area of the existing building and would add a two storey extension. The Council's Guidance¹ for conversion of buildings in the Green Belt advises that in general terms extensions up to a third of the size of the original dwelling may be allowed but that proposals will be considered on their merits. The resulting building would be much larger than this and clearly of substantial scale in relation to the existing building. For these reasons the extensions would be disproportionate and would thus not fall within the stated exception in paragraph 89 of the Framework.
6. Paragraph 90 of the Framework provides for engineering operations to not be inappropriate development. The appellant has referred to a High Court case² which concerned a basement extension to a terraced house. In that case the judgement was that construction of a basement could amount to engineering as well as building operations. This does not mean that the construction of a basement is an engineering operation rather than a building operation but that both elements may be involved. No information is before me as to the extent of proposed engineering works and given that the proposal clearly involves building works it would not form an exception to inappropriate development on this basis.
7. For these reasons I conclude that the proposed development would be inappropriate development in the Green Belt. Paragraph 87 of the Framework states that such development is, by definition harmful to the Green Belt and paragraph 88 advises that substantial weight should be given to such harm.
8. Saved policy OL1/4 of the Bury Unitary Development Plan (UDP) (1997) states that the conversion and re-use of buildings in the Green Belt is not inappropriate development provided that it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. These requirements differ from those set out in the Framework in that the latter requires that extensions are not disproportionate. The difference with national policy reduces the weight that I give to that policy but I nonetheless give it significant weight because its general aim is similar.

¹ Bury Development Control Policy Guidance Note 9: Conversion and Re-use of Buildings in the Green Belt (2007) paragraph 5.11

² Eatherley V London Borough of Camden v James Ireland (2016) EWHC 3108 (Admin)

Effect on Green Belt

9. The site is within an area of clearly open countryside where there is a general absence of development other than isolated buildings and clear views across the surrounding landscape. The absence of development is a characteristic of the Green Belt and in this context new built development would intrude on this openness.
10. The height of the existing building would not be altered and from the rear its existing appearance would be maintained. However from the front the appearance would be completely altered. Although the lower floor would be constructed as a basement it would be fully exposed to the front and the resulting development would thus have the appearance of a two storey dwelling from that direction. The new front wing would add significant bulk. The development would be much larger than the existing building and the effect of the extensions would be to give it the appearance of a new building rather than a conversion.
11. The building is associated with an existing group of buildings. As a new built development it would reduce openness as a matter of principle. In addition to this the building is on the edge of the group and at a high level and as such would be seen from the surrounding area. For these reasons the proposed development would be intrusive in the context of its open surroundings. It would harm the openness of the Green Belt and I give further substantial weight to that harm. The proposal would not accord with saved policy OL1/4 of the UDP in that it would have a materially greater impact on the openness of the Green Belt than the existing building.

Character and Appearance

12. The site is in the West Pennine Moors and a Special Landscape Area as defined in the development plan. I saw on my visit that this is a landscape which has particular value in terms of its scenic quality. There are some trees next to the house and in front of the piggery building but the aspect towards the road and a nearby dwelling adjacent to the road is generally open. The building is some distance back from the road but is at a higher level and the development would be likely to be visible from the road.
13. The development would have the appearance of a large two storey house from that direction. Its suburban character and its scale and bulk would be out of character with the open rural surroundings and would be intrusive in the landscape. The plans show a public footpath route which follows the site boundary and the development would be particularly dominant and intrusive when seen from that route. For these reasons the proposal would unacceptably harm the character and appearance of the area. I give significant weight to that harm.
14. Saved policy EN1/1 of the UDP requires that there is no detrimental effect on visual amenity in the Green Belt and Special Landscape Areas. Saved policy EN9/1 similarly requires that development in Special Landscape Areas is sympathetic to its surroundings and saved policy OL7/2 seeks to maintain the important character of the West Pennine Moors. For the reasons given the proposal would not accord with those policies.

Other Considerations/Very Special Circumstances

15. I have taken into account the matters raised by the appellant in support of the proposal but find nothing that would amount to the very special circumstances needed to outweigh the harms that I have identified.
16. I have found that the proposal would be inappropriate development which by definition is harmful to the Green Belt. Furthermore the proposal would harm the openness of the Green Belt and the character and appearance of the area. I have given substantial and significant weights to those harms. There are no very special circumstances that would justify the proposal.

Conclusion

17. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR