
Appeal Decision

Site visit made on 3 January 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2018

Appeal Ref: APP/T4210/W/17/3178910

Barn adjacent to the Byre, Loe Farm, Redisher Lane, Ramsbottom BL8 4HX

- 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 Duncan Baxter against the decision of Bury Metropolitan Borough Council.
 - The application Ref 61039, dated 27 November 2016, was refused by notice dated 10 March 2017.
 - The development proposed is the conversion of a barn to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted a Bat Emergence Survey (dated 15th May 2017) (BES) with the appeal. As the Council and interested parties have had the opportunity to comment on the BES, I have considered this document in coming to my decision.

Main Issues

3. The main issues are a) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and the development plan policy, b) its effect on the character and appearance of the building and the area, c) its effect on the living conditions of the occupiers of 'The Byre' with regard to privacy, and d) if it 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

4. The appeal property comprises a barn which is of a 2 storey height, and is constructed of rendered blockwork with a tiled roof. It is used for ancillary storage purposes, although historically its use has related to agriculture, and this is reflective in its form and appearance. The main openings are positioned so that the barn faces towards a stable yard, which is found immediately adjacent and contains a number of buildings related to equestrian use and with associated outdoor storage. To the rear of the barn is a grassed area which currently forms part of the garden of the neighbouring property, The Byre.

5. The area maintains a semi-countryside appearance, with fields and rolling countryside, with a small number of other dwellings found to the east of the site. Beyond the fields to the south are a number of dwellings that are found on the edge of Ramsbottom, along Bolton Road West. As well as lying in the Green Belt, the site also lies within a Special Landscape Area (SLA), under the Bury Metropolitan Borough Council, Bury Unitary Development Plan Adopted Plan (1997) (UDP).

Inappropriate Development

6. Paragraph 90 of the Framework states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.
7. The building subject of the proposal is, based on the submitted structural assessment and my site visit, not temporary in nature, of sound construction and in a reasonable state of repair. I am therefore satisfied that the building is of permanent and substantial construction.
8. Openness is an essential characteristic of the Green Belt. The works proposed to the barn would increase its size by way of single storey additions consisting of a garage to its side and an entrance porch. In terms of the visual component of openness, there would be some visibility from the adjoining fields and, more distantly, from Bolton Road West, as well as from The Byre. Thus whilst buildings around the existing stable yard would provide some screening, overall there would be a loss, albeit limited, of openness.
9. There is no dispute between the parties that the proposal would not conflict with the purposes of including land in the Green Belt and, given that nature of the works involved, I see no reasons to disagree. I also accept that the proposed dimensions of the garage and the porch would not result in disproportionate additions over and above the size of the original building, with regard to the exception to the construction of new buildings as inappropriate in the Green Belt, under paragraph 89 of the Framework.
10. However, as I find that the proposal would not preserve the openness of the Green Belt, when judged against the Framework, I consider it would constitute inappropriate development in the Green Belt.
11. The proposal would also not comply with 'Saved' Policy OL1/4 of the UDP as it would have a materially greater impact than the present use, and conflict with the openness of the Green Belt and, similarly, with regard to guidance in Development Control Policy Guidance (DCPG) Note 9 Conversion and Re-use of Buildings in the Green Belt Supplementary Planning Document (2007) (SPD9). Due to the effect on the openness, the proposal would also not comply with the intentions of 'Saved' Policy OL1/2 and DCPG Note 8 New Buildings and Associated Development in the Green Belt Supplementary Planning Document (2007) (SPD8).
12. I do, however, attach limited weight to the conflict with 'Saved' Policies OL1/4 and OL1/2, and SPDs 8 and 9, as they refer to criteria that are based on PPG2: Green Belts, which has been superseded by more up to date Green Belt

national policy in the Framework. The references to character in SPD9 are also not consistent with the Framework, as regards Green Belt.

Character and Appearance

13. The barn, with its form and appearance, fits comfortably within its surroundings of the stable yard and its semi-countryside location. Due to its age, it shows some signs of wear although not to the extent this detracts appreciably from its character which is maintained. The pleasing visual qualities of its surroundings are also reflective of the SLA designation.
14. The proposed additions and alterations to the barn are, however, significant. The proposal would alter its main orientation, so that its front elevation would face in a southerly direction over the garden, rather than the stable yard. This would result in substantial alterations to the elevational treatment, with the insertion of a large number of new openings in the current blank wall of this elevation facing the garden. In addition, the current openings facing the stable yard would be blocked up, and there would also be changes in the positions of the openings on the side elevations.
15. The addition of the proposed garage and the porch, with their design and combined size, and massing, would also give the proposal a notably domestic appearance. The location of the proposed garage to the side would not significantly reduce this effect. The use of uPVC frames in the proposed openings would further contribute to this appearance and, overall, the proposal would be akin to a dwelling found more typically in an urban context. The dwellings nearest the site are domestic in appearance and have a southerly orientation; however these are not qualities shared by the barn.
16. The proposal would, therefore, markedly change the character of the barn, and as a consequence, it would appear discordant and unsympathetic in its location. The proposal fails to adequately utilise the qualities of the barn in order to properly inform the design.
17. I conclude the proposal would have an unacceptable effect on the character and appearance of the building and the area and, as such, it would not comply with 'Saved' Policies EN1/1 and EN9/1 of the UDP which state that development will not be permitted where proposals would have a detrimental effect on visual amenity and, with regard to SLAs, are also required to be sympathetic to its surroundings in terms of its visual impact.

Living Conditions

18. The barn is set forward of The Byre, so that its side elevation faces towards the rear garden of that property. A first floor bedroom window is proposed in this elevation that would face over this rear garden. The distance to the boundary would be considerably less than the 7m advised by DCPG Note 6 Alterations and Extensions to Residential Properties Supplementary Planning Document, as updated (2010) (SPD6). With the proximity of the window to the boundary and as it relates to a room with a habitable use, I consider there would be potential for significant overlooking of the rear garden of the neighbouring dwelling, and as a result a loss of privacy for occupiers of this property.
19. The appellant has suggested modifications to the window, so as to address the overlooking concern. This is not, though, shown on the plans before me and so I cannot be sure it would not materially alter the proposal, especially as it is

the only proposed window which relates to a bedroom, with regard to the effect on the living conditions of its future occupiers. I have, therefore, based my deliberations on the plans before me.

20. I conclude the proposal would have an unacceptable effect on the living conditions of the occupiers of The Byre with regard to privacy and, therefore, it would not comply with 'Saved' Policy H2/1 of the UDP which states that all new residential development will be expected to make a positive contribution to the form and quality of the surrounding area, and that factors to be considered will include the impact of developments on residential amenity, and the position and proximity of neighbouring properties. It would also not comply with SPD6 as it would reduce privacy through the direct overlooking of the adjoining property from the window.

Other Considerations

21. The BES recorded no bats emerging or re-entering the barn and that where bats were observed, this was in the garden to the south. It notes possible historical use of the barn by a bat, and makes recommendations in respect in the unlikely event of bats been encountered during construction and the provision of a bat box. It was carried out at the appropriate time of the year by a suitably qualified surveyor and I find its scope properly allows for the likely effect on bats to be considered as a protected species. The Council also now find no reason to object the proposal based on the effects on bats, and having regard to the BES, I agree with the Council's conclusions. The provision of the bat box would be necessary, in my view, given the bat activities in the area. Although I consider the likely effects on bats to be acceptable, overall, this attracts neutral weight, given the protection which is afforded under the planning system and the Habitat Regulations¹ to protected species.
22. The appellant has drawn my attention to a new dwelling which has been constructed on Bolton Road West. However, this is found adjacent existing development along this road and on the edge of the town. In contrast, the proposal concerns the conversion of an existing building and, as I have set out, it lies in semi-countryside. I am satisfied that the circumstances are sufficiently different so as to not alter my conclusions.
23. I am also not persuaded that the extent of the alterations to the barn is required in order to provide the future occupiers with a southerly aspect, given the number of openings that are proposed in the elevation facing the garden, resulting from the internal layout. In my view, this further serves to demonstrate that the proposal is not adequately informed in its design by the existing barn.
24. The appellant considers that the Framework should be given greater weight than the policies of the UDP. The age of the UDP does not mean, though, that its policies are not consistent with the Framework and this does not address, in particular, the conflict with the strong protection afforded to the Green Belt within the Framework itself. As regards the relevant approach to decision-making, the presumption in the favour of sustainable development does not apply because, under paragraph 14, specific policies in the Framework indicate the development should be restricted. This includes Green Belt policies. Conditions would not overcome the harm that I have identified, and permitted

¹ The Conservation of Habitats and Species Regulations 2017

development rights that apply to the change of use from agricultural buildings to residential are of limited weight, as the building is not now in that use.

25. The Council's reasons for refusal conflate Green Belt with character and appearance issues. Nevertheless, they are sufficiently definite to enable the Council's concerns to be understood. Whilst I am aware that the planning application was an amended resubmission of an earlier application, I have determined the appeal on the basis of the scheme before me. Matters such as how the Council dealt with the planning application are not for my consideration in the determination of this appeal.

Conclusion

26. The proposal would be inappropriate development in the Green Belt because, although it would constitute the re-use of buildings that are of permanent and substantial construction, it would not preserve the openness of the Green Belt, albeit to a limited degree. Paragraph 88 of the Framework, establishes that substantial weight should be given to any harm to the Green Belt.
27. Further harm would also arise as the proposal would have an unacceptable effect on the character and appearance of the building and the area, and on the living conditions of the occupiers of The Byre with regard to privacy. Other considerations do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist. The proposal would not comply with the Framework in respect of Green Belt national policy; 'Saved' Policies OL1/4, OL1/2, EN1/1, EN9/1 and H2/1 of the UDP; and SPDs 6, 8 and 9. For these reasons, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR