



Appeal Decision

Site visit made on 8 February 2022

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/T4210/W/21/3284889

Davises Farm, Mather Road, Bury, BL9 6JT

- 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 and Mrs G Sanders against the decision of Bury Metropolitan Borough Council.
 - The application Ref: 66513 dated 31 January 2021, was refused by notice dated 21 April 2021.
 - The development proposed is: *"Refurbishment of existing timber storage building including replacing existing timber doors with new timber doors, alteration to fenestration to include 2 No doors and 2 No windows in relation to a cattery area and incorporating the existing open storage area within the footprint of the building by the provision of additional cladding to match the existing"*.
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Decision

1. The appeal is allowed and planning permission is granted for: *"Refurbishment of existing timber storage building including replacing existing timber doors with new timber doors, alteration to fenestration to include 2 doors and 2 windows in relation to a cattery area and incorporating the existing open storage area within the footprint of the building by the provision of additional cladding to match the existing"*, at Davises Farm, Mather Road, Bury, BL9 6JT in accordance with the terms of the application, Ref: 66513 dated 31 January 2021.

Procedural Matter

2. The proposal is retrospective, as the development has already taken place. Therefore, I intend to consider the appeal on the basis of the proposal being for the retention of the development. However, the development has not been carried out exactly in accordance with the submitted plans insofar as one elevation is concerned. As built, the style of the timber 'cattery' section doors are to a slightly different pattern and the associated windows are slightly smaller and positioned away from the corresponding doors.
3. Section 79(1)(b) of the Town and Country Planning Act 1990 as amended enables me to deal with the application as if had been made to me 'in the first instance'. I am satisfied that the minor elevational changes described above would not prejudice the interests of interested parties and I have considered the appeal on the basis of the development as now built.

Main Issues

4. The main issues in this appeal are:

- i) Whether the proposal would be inappropriate development in the Green Belt having regard to National planning policy and relevant development plan policies; and
- ii) The effect of the proposal on the character and appearance of the surrounding countryside.

Reasons

5. The appeal proposal is an amended scheme following a previous refusal, with the materials for the doors altered and the openings in relation to the cattery section altered. The large timber shed/store was originally approved on a temporary basis, but permission was subsequently granted to retain it, together with the addition of corrugated steel lean-to extensions. A condition attached to this permission says it must be used for storage purposes ancillary to the main dwelling (Davises Farm).
6. The appellants propose to make alterations to the building to accommodate their hobbies, and the proposal involves the enclosure of a previously open-fronted section running the length of the building with new timber garage doors, other doors and windows, and areas of shiplap boarding. Part of this newly enclosed area would be used for a domestic cattery with the remainder of the main section being used to house the appellant's collection of classic cars, and to store logs, cat food and other domestic paraphernalia. The lean-to section would be used for other domestic storage (motorcycles and bicycles). The appellant has confirmed the cattery is for private use only and is not a facility which can be used by the general public.

Whether inappropriate development in the Green Belt

7. The site is within the Green Belt and National policy on Green Belt development is set out in Section 13 of the *National Planning Policy Framework* (the Framework), and paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is inappropriate (and only permissible under very special circumstances) unless it falls within the closed lists of exceptions set out in paragraphs 149 and 150.
8. One of these exceptions, set out in paragraph 149c) 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 term 'original building' is defined in the Framework as a building as it existed on 1 July 1948 or, if constructed after that date, as it was built originally.
9. The Framework does not make any specific reference to ancillary outbuildings, such as the appeal building. However, taking into account the 'ancillary storage purposes' condition, I am satisfied that it can be regarded as a normal domestic adjunct and be considered under the aegis of paragraph 149c).
10. Saved policies OL1 and OL1/2 of the *Bury Unitary Development Plan* (UDP), adopted 1997, are generally consistent with the Framework in terms of the permitted exceptions to inappropriate development in the Green Belt. It adds

that development proposals should have regard to any supplementary planning documents approved by the Council.

11. The Council says the proposed changes to the appearance of the building would lead to inappropriate development in the Green Belt. However, there would be no increase in volume or footprint compared with the building as permitted. Even if the enclosure of the open area under the roof was considered to represent extension of the building rather than an alteration, the enclosed area would still be less than the increase of up to a third in volume which the Council's *Supplementary Planning Document 9: 'Conversion and Re-use of Buildings in the Green Belt'* says may be permitted.
12. The concerns in respect of the loss of openness are noted. However, there is no requirement to consider the effect upon openness when assessing a proposal against paragraphs 145 c) and 145 d) of the Framework.
13. Therefore, I find that the proposal 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 the proposal would not be inappropriate development, the proposal 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, OL1/2, and SPD9.
14. As the proposal 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.

Effect on character and appearance of the surrounding countryside

15. Saved UDP Policy EN1/1 says development will not be permitted where it would have a detrimental effect on visual amenity within or viewed from areas of environmental interest such as the Green Belt, and Policy H2/3 seeks to achieve a high standard of design that complements the original building. Although I have been referred to Supplementary Planning Document 8, this concerns new buildings in the Green Belt and is not therefore directly relevant to the appeal proposal which is for alterations to the design and materials of an existing building.
16. The council says the appeal building was originally permitted as a replacement for unsightly storage containers and was designed to resemble a row of stables. It says the appearance of the building (as approved) presents that of an agricultural building not out of place in a rural setting, and that the changes to its appearance would alter its overall character to that of a large domestic garage and would introduce an urban element into this Green Belt setting.
17. However, although the proposal would remove a design feature that attempts to replicate the style of a traditional timber stables building, I do not find this factor to be necessarily harmful in itself. The use of timber doors and windows, the retention of overhanging eaves, and timber detailing still afford the building a degree of rural character which sets it apart from a more conventional urban garage or outbuilding. Furthermore, the appellant has introduced significant screening since the original permission was obtained, and the building is only easily visible to the public from the adjacent part of Mather Road to the east of the site. As such, I consider its impact on the surrounding landscape is limited.

18. Paragraph 130 of the Framework says planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character and the surroundings. I am satisfied that the proposal represents an acceptable design employing sympathetic materials that would not materially harm the character and appearance of the surrounding countryside. As such, I find no conflict with saved UDP Policies EN1/1, H2/3, or the provisions of the development plan taken as a whole.

Other Matters

19. The appellants have stated that they wish to downsize and move from the barn conversion (Davises Farm) to the existing garage block for which has the benefit of permission for conversion to a dwelling. Therefore, should the appellants wish to use the appeal building for residential use ancillary to their proposed residential accommodation, they would need to apply to the Council to vary the condition that effectively links the appeal building to the barn conversion. This is not a matter that is before me.
20. An objection has been received concerning the possible intensification in use of the access track/bridleway used to access the site from Halsall Close. However, as the private cattery/classic car storage uses of the building are not stated to be commercial activities, there should be no material increase in traffic using this access arising from the development.

Conditions

21. I have considered the Council's suggested conditions in the light of the advice in the Government's *Planning Practice Guidance*. The condition requiring the development to be begun within 3 months of the date of the permission does not apply as the development has already taken place.
22. The Council suggests there is a requirement for the applicant to alter the building to match the details to those shown on the submitted plans. However, given the very minor change in the details of the cattery doors and windows, I consider that no useful planning purpose would be served by any conditional requirement to alter these details to those shown on the submitted plans.
23. For clarity, the appeal is allowed on the basis of the building 'as built' which is in accordance with the submitted plans except in respect of the 'cattery doors and windows on the northern side elevation shown on Drawing Nos 05 Rev. 2021 and 06 Rev. dated January 2021, received by the Local Planning Authority on 23 February 2021.

Conclusion

24. I have found that the proposal does not amount to inappropriate development in the Green Belt and that there would be no other harm. I find no conflict with the development plan policies referred to, or National planning policy in the Framework. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR