



Appeal Decision

Site visit made on 15 November 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/T4210/W/22/3298500

The Coach House, Former Ainsworth Nursing Home, Knowsley Road, Ainsworth, Bury BL2 5PT

- 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 K Stopforth against the decision of Bury Metropolitan Borough Council.
 - The application Ref 67368, dated 29 July 2021, was refused by notice dated 30 November 2021.
 - The development proposed is demolition of existing building and erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Council has granted planning permission for 2 developments within the site of the former nursing home, Council planning application Refs 68665 and 68661. The main parties were given the opportunity to comment on the relevance of these permissions to the appeal proposal. I have had regard to the comments received in reaching my Decision.

Main Issues

3. The main issues are:
 - whether the proposal constitutes inappropriate development in the Green Belt, having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework),
 - the effect of the proposal on a Non-Designated Heritage Asset (NDHA), namely the former Ainsworth Nursing Home (ANH),
 - the effect of the proposal on the character and appearance of the area, including the Special Landscape Area (SLA),
 - the effect of the proposal on the living conditions of occupiers of an existing neighbouring property, namely The Wash House.

Reasons

Whether inappropriate development in the Green Belt

4. Saved Policy OL1/2 of the Bury Unitary Development Plan, 1997, (UDP), relates to new buildings in the Green Belt. Such development is deemed to be

inappropriate development, unless it is for one or more of the exceptions listed in the Policy. In this regard, the Policy is consistent with the advice outlined in the first sentence of paragraph 149 of the Framework. However, the exceptions listed in Policy OL1/2 do not include all the exceptions listed in paragraph 149. Consequently, I consider Green Belt policies in the Framework, which is a significant material consideration, are the most up-to-date Green Belt policies against which the proposal should be assessed.

5. Like Policy OL1/2 of the UDP, paragraph 149 of the Framework states that the construction of new buildings constitutes inappropriate development in the Green Belt, unless it is for one or more of the exceptions listed. One of the exceptions, sub-paragraph 149 g), is limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would, among other things, not have a greater impact on the openness of the Green Belt than the existing development. Hence, as the site comprises PDL an assessment of the impact of the proposal on the openness of the Green Belt is a key factor in determining whether the proposal would be inappropriate development.
6. Both parties are aware that the openness of the Green Belt has both spatial and visual dimensions. I note the appellant's suggestion that the whole of the site of the former ANH should be borne in mind for the purposes of assessing whether the proposed partial redevelopment would have a greater impact on the openness of the Green Belt. However, the former site has been sub-divided into several planning units. I do not have full details of either the whole of the site as it was prior to being sub-divided, or of all development that has been undertaken within each of the separate units since the sub-division occurred. Consequently, even if such an approach was deemed to be the most appropriate, I am not able to undertake an accurate assessment of openness in relation to the whole of the former site. Therefore, the only meaningful assessment of openness I can undertake is of the proposal in the context of the appeal site as it exists.
7. The proposal consists of demolishing an existing single storey building and constructing 2 detached dwellings with associated hard standing/car parking areas, gardens, and boundary treatments. Although the proposed dwellings would have 2 floor levels, one would be within the roof space. Consequently, they would not be substantially different in height to the existing building.
8. There is a tarmacadam access road that serves the former site. A section of the internal road runs past the northern elevation of the existing building, sited between it and the soft landscaped area and trees that form the northern section of the site. The rear gardens would be created in this area. There is an open, mainly grassed area immediately to the south of the building sited between it and another building, Knowsley House, the only two-storey building of the original buildings within the site. The proposed hard standing/car parking areas would be sited in the existing grassed area between the 2 buildings.
9. The appellant contends that the proposal would result in a 2.1% increase in area, (5.4 sqm), a 15.5% increase in volume (184.8 cu m) and a 5.4% increase in height (0.4 m). The Council has not challenged these figures and I have no substantive reason to do so either. I consider the increases in area and height are very limited and would be barely perceptible.

10. Furthermore, the mass of the proposed dwellings would not be significantly different to the mass of the existing building. The dwellings would form part of a collection of buildings of varying sizes, like the existing building. The layout of the proposed dwellings and their relationship with existing buildings on the wider site would not differ significantly to the existing layout. Therefore, although the increase in volume would not be insignificant within the context of the size of the existing building, for the reasons outlined I conclude that the proposed development would not have a greater impact on the spatial openness of the Green Belt than the existing.
11. The wider site of the former nursing home is some distance from the nearest neighbouring properties, and it is bounded by trees that are protected under a blanket Tree Preservation Order (TPO). Consequently, the impact of the proposal on the visual openness of the Green Belt would primarily be restricted to within the curtilage of the former nursing home. When viewed from within the site the proposed dwellings would be mainly seen against the backdrop of either other buildings or mature trees. Due to the position of the appeal site within the wider site, ie located north of the tallest buildings within the site (Knowsley House and The Bungalow), when approaching the site along the access road the proposed dwellings would be barely visible. Additionally, due to the presence of the trees around the site, there would only be glimpses of the proposed dwellings from public rights of way within proximity of the site.
12. I note that the Council raised some concerns regarding the impact of the proposed hard-standing and boundary treatments on the openness of the Green Belt. However, the area of the existing tarmac service road that exists to the north of the existing building would become rear gardens associated with the dwellings. As such, the tarmac could be removed and replaced with soft landscaping. Additionally, details and materials suitable to the rural location could be used for the proposed car parking areas and boundary treatments. Details relating to these issues could have been secured by conditions, should I have been allowing the appeal.
13. For the reasons outlined, I conclude that the proposal would not have a greater impact on the visual openness of the Green Belt than the existing.
14. As I have found that the proposal would not have a greater impact on the spatial or visual openness of the Green Belt, I conclude that the proposal would not constitute inappropriate development in the Green Belt. The proposal therefore accords with the most up-to-date, relevant Green Belt policies as outlined in the Framework. Consequently, very special circumstances are not required to justify the development.

Effect on a NDHA

15. The appeal building is one of a collection of buildings located within the wider site known as the former ANH. It is my understanding that the development across the wider site, and not just the appeal building, is what the Council consider to be the NDHA. I note that the former ANH is included on a draft local list of NDHAs. As the local list has not been through a process of public consultation, I do not attach maximum weight to it. Furthermore, I have not been provided with a description of the listing from the local list, despite having requested one. Nevertheless, these matters do not mean that the former ANH is not a NDHA.

16. A Heritage Assessment (HA) was submitted with the appeal proposal¹. This report primarily confined itself to an assessment of the Coach House, and not the wider site of the former ANH. Consequently, I consider its findings do not take full account of the NDHA as a whole and the contribution the Coach House makes to it.
17. The appellant also submitted a copy of a HA associated with a separate planning application within the wider site². As this assessment was undertaken for a different planning application, the Council consider the document not to be material to the appeal. However, although the document was for a separate application, it does include reference to the wider former ANH site, and not just the site of the planning application it was submitted in support of. I therefore consider it to have some relevance and have taken account of its contents in reaching my Decision. I agree with the conclusion reached in the HA by Townscape that on heritage grounds, the buildings as a group meet the criteria to be considered as a NDHA.
18. Paragraph 189 of the Framework advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be considered in determining applications; and 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.
19. The site of the former ANH now includes 5 of the original buildings that date from the early 20th Century, when they were erected to create a smallpox isolation hospital. The 5 buildings are the appeal building, now known as the Coach House, The Wash House, Knowsley House, Pavilion Block and Gate House. Although these buildings have been altered and extended to varying degrees, they have retained a coherence, derived from their layout, some design features, and their external materials. The dwelling known as The Bungalow, located towards the southern boundary of the site and east of the access point, was a later addition and not constructed in the style of the original buildings referred to.
20. Thus, the tallest building, Knowsley House (originally the administration block), is sited towards the centre of the site, and the other, lower-level buildings are positioned subordinately around it, off the internal road. Except for the Pavilion Block, the roofs of the original buildings are primarily hipped. The window openings on all buildings mainly have a vertical emphasis. The presence of brick stacks in most of the buildings and tall chimneys add vertical emphasis to them. The arched main door opening on the Coach House, which is a particular feature of the building, is reflective of the arched main door opening on Knowsley House. The main entrance to the Gate House is also arched, though with less detailing than the doorways referred to on Knowsley House and the Coach House. The buildings are mainly constructed of red brick with slate roofs, terracotta ridge tiles, red brick headers and terracotta cills. Such features give the collection of original buildings that constitute the NDHA a distinctive character and appearance that retains legibility.

¹ Coach House, Ainsworth Hospital: Heritage Assessment, The Archaeology Co, April 2021.

² Heritage Assessment: Ainsworth Care Home, Townscape, April 2021 – Council Ref 67342

21. Although there have been internal alterations to the Coach House, as concluded in The Archaeology Co HA, the basic plan form of the building is still readable. I agree with the view of the Council that with removal of the unsympathetic extension, the building would retain legibility as part of the group of buildings within the wider site, despite the internal alterations that have occurred.
22. The Council contend that the smallpox hospital is the only one of its type within the Borough, and I have no substantive reasons to question this. The contribution it made to the efforts to contain smallpox and the development of health care provision within the area is deemed, by the Council, to be of local importance. As such, I consider the NDHA as a whole, which includes the contribution the Coach House makes to it, to have some local historical significance. Although the HA of The Archaeology Co concluded that the historical value of the Coach House is low, it was noted in the HA that other buildings within the wider site have more merit.
23. As I concluded above, I consider the collection of buildings to have a distinctive character and appearance, and it is the group value that determines the heritage significance of the NDHA, not the aesthetic value of the Coach House alone. I also accept the Council's view that, regardless of the wider site not being generally accessible to the public, any associations of the hospital site within the local population give the NDHA some communal value.
24. Taking account of all the evidence submitted, for the reasons outlined above, which describe what I consider to be the factors that contribute to the heritage significance of the NDHA, I consider the overall level of historic significance is somewhere along the low-medium continuum. As such, I consider the loss of the building would have a limited impact on the NDHA, but nonetheless an impact that would erode the heritage significance of the NDHA overall.
25. That said, I am not persuaded at this point that ultimately loss of the building could not be mitigated against. However, I consider the scheme proposed is not of sufficient design quality to mitigate against the loss.
26. Thus, the creation of 2 detached buildings to replace the existing single oblong block erodes legibility of the former ANH site. The use of gable ends and a strong central gable feature on one of the buildings, rather than a hipped roof design in keeping with the roofs of the buildings one would pass en-route to the site via the access road, ie the Gate House, Knowsley House and The Wash House, would result in the proposed dwellings competing for presence with original buildings within proximity of the appeal site. Additionally, the horizontal emphasis of the proposed fenestration contrasts with the predominantly vertical emphasis of fenestration on the original buildings. Finally, the use of some of the proposed external materials, such as 'K' Rend render and stone headers and cills, would contribute to highlighting the differences between the original buildings and the proposed dwellings. Consequently, the proposed dwellings would clash with rather than harmonise with the original buildings on the wider site.
27. In summary, for the reasons outlined I conclude that loss of the Coach House would harm the significance of the NDHA and the proposed development would not mitigate against the loss. As such, the proposal does not accord with heritage policies in Chapter 16 of the Framework, which require developments to be sympathetic to local history and to protect heritage assets.

Effect on the character and appearance of the area, including the SLA

28. Although I have not been provided with details of the features that contribute to the SLA within which the site is located, as no landscape features would be removed or significantly altered, I conclude that the proposal would not harm the character or appearance of the SLA. However, due to the detrimental impact the proposal would have on the NDHA, I consider it would adversely affect the character and appearance of the localised area of the former ANH site. Consequently, the proposal does not accord with Policy EN1 of the UDP, which seeks, among other things, to protect, preserve and enhance the character and appearance of the Borough's built environment. Nor does it accord with policies in Chapter 12 of the Framework which require high quality design and developments to be sympathetic to local character and history.

Effect on the living conditions of occupiers of the existing neighbouring property, The Wash House

29. The proposal would include 3 habitable room windows sited on the western facing elevation of House number 1. Two of the windows would be secondary windows serving a lounge and the other one would be a secondary window to a bedroom. These 3 windows would be located only between 7-8 m from habitable room windows located on the eastern facing elevation of the dwelling immediately west of the site, ie The Wash House, which I observed during my site visit is now inhabited. At such a close distance I consider the proposal would harm the living conditions of existing occupiers of The Wash House with respect to privacy.
30. I note that the Council suggests this issue could be overcome by amendments to the plans, which would be one way of addressing the matter. However, the use of planning conditions is also a legitimate means of overcoming issues that would otherwise make a proposal unacceptable in planning terms. In this case, should I have been allowing the appeal, I consider a suitable condition could have been attached requiring the 3 windows to be non-opening and obscure glazed, which would overcome the concern.
31. I therefore conclude that, subject to a condition as suggested, the proposal would not unacceptably harm the living conditions of occupiers of the existing dwelling The Wash House. As such, the proposal accords with Saved Policy H2/1 of the UDP, which requires, among other things, proposals for new development to consider the impact on the living conditions of occupiers of existing properties.

Other Considerations, Planning Balance & Conclusion

32. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.³
33. In one of the applications the Council recently granted permission for within the wider site, Ref 68661, the Council's appraisal included consideration of its current supply of housing land. The appellant therefore suggests that this matter should be considered in respect of the appeal, and I agree.

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

34. Parties were given the opportunity to agree what the Council's 5-year housing land supply is (5YHLS). The Council state that the current 5YHLS is 2.3 years. I have not been provided with any evidence from the appellant challenging this figure.
35. Sub paragraph 11 d) of the Framework advises that, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted, unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
36. Footnote 8 of the Framework confirms that, in essence, where a local planning authority cannot demonstrate a 5YHLS the development plan policies that are most important for determining the application are deemed to be out-of-date, which applies in this instance. Footnote 7 of the Framework outlines the areas and assets of particular importance that policies in the Framework seek to protect. NDHAs do not feature in the list. In light of these matters, sub paragraph 11 d) ii. is engaged.
37. I consider the extent of the shortfall, ie 2.7 years, to be considerable. Although the proposal would only provide 2 dwellings it would help, all-be-it to a small degree, to meet the Government's objective to boost the supply of housing. Within the context of the extent of the 5YHLS shortfall, I attach moderate weight to this social benefit in favour of the proposal.
38. I consider the proposed development would provide some economic benefits, mainly during the construction phase. However, due to the small-scale nature of this benefit, I attach limited weight to it.
39. I have concluded that the proposed development would not be inappropriate development in the Green Belt and that it would not harm the character or appearance of the SLA or the living conditions of occupiers of the existing neighbouring property, The Wash House (subject to conditions, should I have been allowing the appeal). Notwithstanding my conclusions on these matters, due to the harms I have found the proposal would have on the NDHA and the character and appearance of the localised area of the former ANH, and my conclusion that the proposed development would not mitigate against the loss of the Coach House, I consider the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
40. Consequently, there are no other considerations, including the Framework, that lead me to conclude other than in accordance with the development plan, which the proposal does not accord with as a whole. I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR