



Appeal Decision

Site visit made on 1 February 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/T4210/W/23/3327748

Land at Junction of Arthur Lane and Bury Old Road, Ainsworth, Bury, Lancs BL2 5PN

- 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 Mark Jagger against the decision of Bury Metropolitan Borough Council.
 - The application Ref 69178, dated 6 December 2022, was refused by notice dated 1 June 2023.
 - The development proposed is: Demolition, conversion and extension of existing stable/livestock buildings to create 1no. single storey dwelling with enclosed garden and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The location given in the application form, decision notice and appeal form are different to each other. Each is a variation of the address of the site. I have used the address detailed within the appeal form as this provides the most accurate location of the site.

Main Issues

3. The main issues are:
 - Whether or not the development is inappropriate development in the Green Belt having regard to the Framework, including any relevant effects on the openness of the Green Belt, and with regard to any relevant development plan policies; and,
 - Whether the harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the proposed development is inappropriate development in the Green Belt and its effect on openness

4. The proposed development is the demolition, conversion and extension of stable/livestock buildings into a single dwelling. These buildings are of varying design and construction material. These buildings are sited towards the rear boundary of the appeal site. The main appeal building faces towards the access point, with a single storey barn to its side and rear elevations. The appeal site

is located within the Green Belt. Paragraph 155 of the National Planning Policy Framework (the Framework) sets out certain development which are not inappropriate in the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

5. I note that although the Bury Unitary Development Plan 1997 (UDP) policies pre-date the Framework, these policies are consistent with paragraphs 155 of the Framework. Paragraph 155 of the Framework sets out certain forms of development which are not inappropriate within the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. Policy OL1/2 of the UDP sets out the purposes where development is not considered to be inappropriate in the Green Belt. These include new buildings for agriculture and forestry, limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling and the limited infilling in existing villages. Policy OL1/4 of the UDP is concerned with the conversion and re-use of buildings in the Green Belt. This policy states that conversions will be permitted where it does not have a materially greater impact than the present use on the openness of the Green Belt, and the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction, amongst other things.
7. I have had regard to the structural survey (dated April 2023), which accompanies this appeal. The appellant suggests that the development is focused on an existing building that is capable of conversion with little alteration. However, this report does not consider the extent to which aspects of the building would be retained for the conversion, or which aspects are structurally sound. From my site visit, I noted that the building proposed for conversion was in a deteriorated state. The lack of evidence within the survey and other evidence in this appeal leads me to conclude that the building is not of permanent and substantial construction and the proposal would require its major reconstruction. For this reason, the proposal would be inappropriate development in the Green Belt, which is by definition, harmful.
8. As I consider the proposal would be tantamount to the construction of a new building I have also considered it against the exceptions in paragraph 154. As this does not appear to be an extension or alteration of an existing building, the exceptions found in paragraph 154 do not apply. However, in any event, I have considered the effect of the proposal on openness.
9. Openness is an essential characteristic of the Green Belt that is capable of having spatial as well as visual aspects. Despite a hedgerow which surrounds the existing site, the appeal property would be visible from the adjacent highway due to its close proximity to it. Notwithstanding neighbouring dwellings within the vicinity of the appeal site, the openness of the Green Belt is clearly evident around the site and the wider area.
10. The appeal proposal would involve the removal of two barn structures which are located to the side and rear of the proposed conversion. The converted stables would be extended to its side elevations. Both parties have provided me with various figures of their assessment of the volume increase or decrease as a result of the removal of the barns and additional extensions to the proposed dwelling. When taking the removal of the barns into account, I find

that this would result in a reduction in cubic volume than what is proposed in this appeal.

11. The assessment of the proposal should not be restricted to arguments about volume, as noted by the appellant. The barn structures which are to be demolished are located to the side and rear. The form and massing of the rear barn structure in particular is not easily visible due to its location to the rear of the existing stables and location towards the edge of the rear site boundary which is bound by tall hedgerows.
12. Due to their more prominent location and extension of the width of the proposed dwelling, the additional side extensions to the proposed conversion would have a form and massing greater than the existing barns that are to be removed. Furthermore, when taking the size of the building subject to conversion into account, the proposed extensions would result in two large additions which I find to be disproportionate, due to their increase in floor space when compared to the host dwelling.
13. Moreover, whilst the appellant notes that the domestic curtilage would be kept to a minimum, the introduction of a residential dwelling on the site would result in the creation of associated domestic paraphernalia. Some of the hardstanding would be used for turning, manoeuvring and parking of vehicles. There would then be the increased comings and goings associated with the activities of a dwelling rather than the keeping of farm animals which currently characterises the use of the site. I recognise that farming vehicles could be present on this site in its current form, however these are accepted within this Green Belt context.
14. To conclude, the appeal proposal would be inappropriate development within the Green Belt. Additionally, the increase in the massing of the existing building would result in a greater impact to the openness of the Greenbelt. It would therefore be in conflict with Policies OL1/2 and OL1/4 of the UDP. These policies allow for the construction of limited extensions, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling. Additionally, any re-use of buildings must not have a greater impact than the present use on the openness of the Green Belt, amongst other things. Consequently, the development would therefore fail to meet the requirements of paragraphs 155 and 154(g) of the Framework and would be inappropriate development, contrary to local and national policy.

Other Considerations

15. The proposal would constitute inappropriate development in the Green Belt and would harm openness. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
16. The appellant states that the Council is unable to demonstrate a 5 Year Housing Land Supply (5YHLS). The Council do not disagree with the appellant. The provision of a dwelling would contribute to the overall housing land supply. Given the likely substantial shortfall, I attach moderate positive weight to the delivery of an additional dwelling.

17. The site is also close to Ainsworth Local Shopping Centre. The shopping centre has limited services and amenities. Nevertheless, the Council note that a bus service is situated close by and would enable occupants to not be solely reliant on a private car. The appellant suggests that the proposal would alleviate a flooding issue within the site and the adjacent highway. As such, I consider the appeal site to be in an accessible location and would offer some alleviation to possible highway issues as a result of flooding. As such, I ascribe negligible additional benefit, as I consider this to be an absence of harm.
18. The appellant suggests that the proposal would improve its appearance and notes that the Council accept that the design and materials are appropriate for its surroundings. I give no weight, in this particular case, to mere compliance with the normal development management objectives. The appellant further suggests that the property would be built for and occupied by a family member in an area of higher house prices, but this personal circumstance carries little weight in my decision.
19. The appellant also contends that the appeal should be allowed as planning permission was granted by the Council for a previous proposal which was similar to the subject of this appeal. Whilst in principle this is capable of being a material consideration, pre-commencement planning conditions were imposed by the Council on this previous approval but were not discharged by the appellant. As such, the previous permission has lapsed. I am sympathetic with the appellants assertion that the limitations of the Covid 19 pandemic resulted in them being unable to employ the appropriate staff during this period to undertake this work, or that they were waiting to gain accurate information on the funding details from a "Help to Build" initiative.
20. However, I note that since that that time, the Council have found that the structure of the proposed converted building has deteriorated to a point beyond what is possible of conversion. From the evidence before me, I also find that the building would not be capable of conversion, without major reconstruction and would therefore be inappropriate development within the Green Belt. I am not bound by the previous decisions of the Council to make a similar decision. I have assessed the individual merits of this proposal and therefore assign this minimal weight in this decision.
21. These other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and through a greater impact on the harm to openness. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
22. The fact that the Council cannot demonstrate a 5-year housing land supply triggers the presumption in favour of sustainable development the in paragraph 11 d) of the Framework. However, in this case the application of policies in the Framework that protect the Green Belt provides a clear reason for refusing the proposed development in accordance with paragraph 11d)(i). As such, the presumption in favour of sustainable development does not apply.

Other Matter

23. The Council refer to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, on the evidence before me, the appeal site is not located within a conservation area. Further, because of its absence of clear association with its setting and distance to it, the proposal

would not cause harm to the significance of a designated heritage asset, in terms of its setting.

Conclusion

24. The proposal would conflict with the development plan when taken as a whole. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR