



Appeal Decision

Site visit made on 11 June 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2024

Appeal Ref: APP/T4210/W/23/3331746

Hague Hall Farm, Mather Road, Bury BL9 6TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Stewart Sivvery against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 69392.
 - The development proposed was originally described as: retrospective application for retention of 1m extension to remove setback on two storey side elevation together with alteration to fenestration and change of use of part of building to additional residential accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the National Planning Policy Framework (the Framework) was revised and the Council adopted the "Places for Everyone" Development Plan Document on 21 March 2024 (DPD). The DPD replaces certain policies of the Bury Unitary Development Plan 1997 (UDP), including UDP Policy EN1/1 cited in the Council's reasons for refusal. The main parties have had an opportunity to comment on the implications of the revised Framework and the DPD within the appeal timetable, and I have taken account of any comments made.

Main Issues

3. Having regard to all of the evidence before me, the main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, including the effect upon openness, having regard to the Framework and relevant development plan policies;
 - the effect of the proposal upon the character and appearance of the host property, and the wider area;
 - whether the proposed development would provide acceptable arrangements for digital connectivity;
 - whether the proposed development would be net zero carbon; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Background

4. During a fire incident at the appeal site in 2017, the appeal property was damaged by a fire tender reversing into a single storey outrigger, aligned to the main elevation. Various works subsequently took place at the appeal property, some of which are considered by the appellant as pursuant to previous permissions. The Council considers that some works are unauthorised.
5. For the avoidance of doubt, it is not the role of an Inspector dealing with a s78 appeal to determine whether any works undertaken at the appeal site are lawful. I have considered the proposal as submitted.
6. A planning application¹ was submitted to regularise matters and included a two-storey side extension with a setback to the main elevation. This was refused in August 2021 and subsequently dismissed at appeal² (the dismissed scheme). A further application³ was made to include the same setback as the dismissed scheme, but with other changes to the previously dismissed scheme. This was granted in September 2022 (the approved scheme).
7. The situation as built is such that the footprint of the damaged outrigger and an adjacent single storey workshop is now occupied by the proposed two-storey extension, aligned with the main elevation. The appellant seeks the retention of the two-storey extension as built.
8. As the dismissed and approved schemes include a setback, they are not entirely comparable to the scheme before me. In any event, I am not bound by previous decisions and DPD policies must also be taken into account.

Whether inappropriate development, including the effect upon openness

9. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances; and that the construction of new buildings within the Green Belt is inappropriate development.
10. There are, however, a limited number of exceptions to this, as set out in paragraph 154 of the Framework. Paragraph 154 c) refers to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building⁴.
11. The Framework does not define what may constitute a disproportionate addition. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement but the overall size of the building (for example in terms of footprint, floorspace and/or volume) is clearly an important factor.

¹ Ref: 66800

² Ref: APP/T4210/W/21/3284471

³ Ref: 68626

⁴ The Framework defines 'original building' as the building as it existed on 1 July 1948, or if it was constructed after that date, as it was built originally.

12. DPD Policy JP-D9 defines the extent of the Green Belt. UDP Policy OL1/2 sets out that the construction of new development in the Green Belt is inappropriate development unless it is for certain purposes, which include an exception for 'limited extensions' of existing dwellings, provided this would not result in disproportionate additions over and above the size of the original dwelling.
13. Supplementary Planning Document: *Development Control Policy Guidance Note 8 – New Buildings & Associated Development in the Green Belt - January 2007* (SPD8) sets out that in general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling. It further states that each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues).
14. Although the appellant has commented on the age of the UDP, paragraph 225 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
15. While I consider UDP Policy OL1/2 and SPD8 to be broadly consistent with the Framework, SPD8 seeks to advise on other factors beyond those of size. The Council's concerns about the absence of a setback and the design of the two-storey extension relate primarily to the effect upon the character and appearance of the existing dwelling and the surrounding area, and these matters are addressed in my next main issue.
16. The appellant's calculations indicate that the appeal scheme would result in a volume increase of 31.66% when considered against the original dwelling. These figures are not disputed by the Council. Thus, the appeal scheme would be within the SPD8 threshold.
17. Having regard to all of the above, I consider that the proposal would not result in a disproportionate addition to the original building in terms of size, and it therefore falls within the exception at paragraph 154 c) of the Framework. Consequently, the proposed development would not, by definition, have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Furthermore, there is no requirement to assess if there are other considerations that amount to very special circumstances to justify it.
18. I therefore conclude that the proposed development would not be inappropriate development. It accords with UDP Policy OL1/2 and DPD Policy JP-D9, and the provisions of the Framework.
19. The Council considered the proposal to conflict with UDP Policy OL1/4, which relates to the conversion and re-use of buildings within the Green Belt. It is clear that the proposal before me relates to extensions, and therefore I do not consider this policy and guidance to be relevant to the proposal before me.

Character and appearance

20. The appeal site is within the Pennine Foothills (West/South Pennines) Landscape Character Area (LCA), characterised as a traditional working landscape with a traditional, upland fringe feel, with scattered farms and houses of a local stone vernacular.

21. DPD Policy JP-P1 seeks to ensure that development respects the distinctive character and identity of its locality in terms of design, siting, scale and materials. DPD Policy JP-G1 seeks to ensure that the development within LCAs reflects and responds to the special qualities and sensitivities of the key landscape characteristics of its location, including views and perceptual qualities. The Council advises that guidance within the Greater Manchester Landscape Character and Sensitivity Report seeks to ensure that any development in the LCA is in keeping with the form, density and vernacular of existing buildings.
22. The appeal property is a detached two storey farmhouse with a traditional appearance in an upland context with a local stone vernacular, although it includes some raking brickwork supports to the rear elevation. It is within view from the approach via Mather Road, from the nearby public footpath/bridleway network, from the denser settlement pattern to the north (albeit at some distance), and within the wider landscape. Consequently, the appeal property makes a positive contribution to the character of the LCA.
23. UDP Policy H2/3 seeks to achieve a high standard of design that compliments the original building, supported by the Council's Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties 2010 (SPD6), which seeks to ensure proposals reflect the design and proportion of the original dwelling.
24. Due to its overall scale, height and width, the proposed two storey extension significantly extends the existing two-storey wing, flush to the main elevation. A subordinate relationship to the host dwelling is therefore not maintained. Such a design would not respect the original form, scale and mass of its host, and the two-storey extension as built appears as a dominant addition to the building, whether in view from the immediate area, or within more distant views.
25. In this regard, my findings are consistent with those of the previous Inspector for the dismissed scheme, albeit as part of his consideration of the dismissed scheme in regard to his first main issue. That Inspector found that "given the wide frontage of the building, and the setback proposed to the front wing, this addition at the end of the building would appear subservient."
26. The appellant accepts that a setback is a common default mechanism for extensions but draws my attention to the alignment of the previous outrigger in that it was in situ for decades. However, the evidence before me indicates that the outrigger was a single storey lean-to form, with a mono-pitch roof. Consequently, it maintained a subordinate relationship to its host by virtue of its overall scale, height, width and depth and design, along with the adjacent workshop. The fact that the outrigger was damaged due to circumstances outside the appellant's control is unfortunate but is not a matter that alters the planning merits of the proposal before me.
27. As built, the two-storey extension fails to respect the randomised stone pattern of the main elevation of existing dwelling. The appellant suggests that the views of the incompatible stonework are close to imperceptible from public locations. However, and despite recent stone cleaning, I did not find this to be the case during my visit, particularly from the approach along Mather Road and the nearby public footpath/bridleway network.

28. In any event, the appellant is willing to remedy this matter by removing and rebuilding the front wall, and this is supported by a method statement submitted with the application. This matter could therefore be controlled by a suitable condition if I were to allow the appeal.
29. However, this would still result in the partial concealment of all of the quoins within the north-westerly corner of the existing building (unlike the previous single storey outrigger) and thus the two-storey extension would fail to respect the original design and appearance of the dwelling, even if a heritage style drainpipe was deployed to camouflage the join and other sympathetic features are proposed including further quoins, headers and cills.
30. I therefore conclude that the proposal would unacceptably harm the character and appearance of its host and the wider area. It conflicts with DPD Policies JP-P1 and JP-G1; UDP Policy H2/3 and the guidance within SPD6, whose objectives I have set out above.

Digital connectivity

31. DPD Policy JP-C2 seeks to ensure that new development is equipped with electronic communication services and requires all new development to have full fibre to premises connections. There is no substantive evidence before me to demonstrate compliance with this policy.
32. The proposal relates to an existing property which may already benefit from broadband connectivity. In any event, the policy allows an exception if it can be demonstrated that such connectivity is not practicable or financially viable. In such circumstances, I see no reason why this matter could not be controlled by a suitable condition.
33. I therefore conclude that subject to a suitable condition, the proposed development would provide acceptable arrangements for digital connectivity. It accords with DPD Policy JP-C2.

Net Zero Carbon

34. DPD Policy JP-S2 expects all new development to be net zero carbon. The expectation from the adoption of the DPD is that net zero carbon should be achieved for regulated carbon emissions; from 2028 for all emissions in construction; and from 2025, development should also calculate and minimise carbon emissions from unregulated emissions. An energy statement should set out how this will be achieved, in accordance with an energy hierarchy.
35. There is no energy statement before me, nor any substantive evidence to detail how the proposal would comply with this policy. However, as the policy allows an exception if it can be demonstrated that net zero carbon is not practicable or financially viable, I see no reason why this matter could not be controlled by a suitable condition.
36. I therefore conclude that subject to a condition, the proposed development would accord with DPD Policy JP-S2, whose objectives I have set out above.

Other Matters

37. The proposal would support the efficient use of land. The appellant states that the proposal will deliver a 'better quality' home. However, it been demonstrated that the existing property is below any particular standard, nor

that it is necessary to meet any particular need of the occupier, nor that the proposal is the only way to achieve this objective. The benefits of additional space to the occupier would be a private benefit.

38. While the appellant intends to employ local labour for the proposal, there is no mechanism to secure such a benefit to the local economy. Nevertheless, the proposal would result in temporary economic benefits of a limited scale, and therefore attract limited weight.

Conclusion

39. Although I have found that the proposal would not be inappropriate development within the Green Belt, it would unacceptably harm the character and appearance of its host and the wider area. The policies with which the proposal conflicts are in accordance with the Framework, which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
40. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR