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PLANNING STATEMENT

**IN RESPECT OF A PLANNING APPLICATION FOR
THE DEMOLITION OF AN EXISTING EQUINE
BUILDING AND THE ERECTION WITHIN ITS
FOOTPRINT OF A TWO STOREY DETACHED
DWELLING**

AT

**REDGATE STABLES
ROCHDALE ROAD EAST
HEYWOOD
OL10 1RL**

Prepared by: Gary Hoerty BSc (Hons) MRICS FAAV
Our Client: Ms R Turner
Our Ref: Tur/824/3528/GH
Date: August 2024



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1. INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 Gary Hoerty Associates have been instructed by Miss R Turner to submit an application, on her behalf to renew the planning permission granted under planning application number 20/00333/FUL for the demolition of an existing steel portal frame equine building which houses a residential static caravan and the erection of a single detached dwelling at Redgate Stables, Rochdale Road East, Heywood, OL10 1RL. The principle of the proposed development was carefully considered during the determination of application 20/00333/FUL and was found to be in accordance with both National and local planning policy and guidance and in the intervening period the policy and guidance has not altered in so far as it relates to the development that is proposed in the current application. There are no changes to the design of the proposed development, and other than the inclusion of solar panels on the roof, it remains exactly as previously approved.
- 1.2 The construction of the dwelling will follow the demolition of the equine building and it will be sited entirely within the footprint of the building. A caravan has been sited within the existing building which has been occupied by the applicant and her family since October 2005. The siting of the caravan and its use as a residential dwelling has been made lawful under application number 19/01261/CPE. This application seeks permission for the replacement of the building with a two storey, traditionally constructed, residential dwelling.
- 1.3 In this Planning Statement we set out the following:
- A description of the application site and its surroundings.
 - A description of the proposed development.
 - A description of the planning history of the site.
 - A consideration of all aspects of the proposed development against national planning guidance and local planning policies.
 - Summary and Conclusions.
- 1.4 We have also submitted with the application Preliminary Bat Roost Assessment Report (dated 29/7/2024) which concludes that the building has negligible potential for use by bats and there was no evidence of use by nesting birds. We request that this Report and our Planning Statement are both fully considered by the Council in the determination of the planning application.

2. THE APPLICATION SITE AND SURROUNDINGS

- 2.1 Redgate Stables is an equine property off the north westerly side of the A58 Rochdale Road East, Heywood. The site is bounded by existing residential properties to the south and south-east. To the north there is Springfield Park and Heywood Cemetery. The vernacular of the surrounding buildings varies, most likely due to date of construction, with some properties constructed of stone, some of red brick and some having a rendered finish. Blue slate is the predominant roof covering for properties in the local area.

- 2.2 The application site consists of a large steel portal frame equine building which is situated to the north of a group of stable and associated tack/storage buildings and there is a large menage to the north of the application building. The applicant currently resides in a static caravan located within the large equine building adjacent to the stables.
- 2.3 In Planning Policy terms, the application site is located in the Green Belt.

3. THE PROPOSED DEVELOPMENT

- 3.1 Permission is sought for the demolition of an existing equine building and the erection of a two storey dwelling to be faced with stone and with a blue slate covered roof on the site of the demolished building. The main two storey part of the dwelling has dimensions of 12m x 10m; in the centre of the easterly facing gable elevation is a single storey projection of 3m x 2m consisting of a covered porch. The windows in the east and south elevations are all standard size within stone surrounds. In the north elevation there are two standard windows and two large windows providing light to the ground and first floor rooms. The larger windows have arched tops and are within stone quoin surrounds. In the west elevation there are two standard windows and one large, two storey height window of the same size and design as those in the north elevation.
- 3.2 Internally, on the ground floor there will be a kitchen/dining room, lounge, snug, hall, boot room and shower room with w.c. At first floor level there will be a master bedroom with ensuite shower room, three other bedrooms and a bathroom. Access to the first floor will be by a standard staircase and also a spiral staircase.
- 3.3 With respect to the size of the proposal, the existing building has a floor area of 206 m² and a volume of 1,012 m³. The proposed replacement dwelling has a floor area of 120 m² and a volume of 780 m³. This demonstrates a significant reduction in built form at the site which can only contribute positively to the openness of the Green Belt. The area of the footprint of the existing building that will not be covered by the proposed dwelling will provide a small area of residential curtilage. Access to the dwelling will be via the existing access track.

4. PLANNING HISTORY

- 4.1 There have been three previous planning applications on the current application site the details of which are set out below.
- 4.2 Planning application 19/00654/CPE was for a certificate of lawfulness for existing use of a static caravan as a residential dwelling. This was deemed not lawful for the following reason *'On the balance of probabilities, and given the lack of any definitive evidence to the contrary, the Council is satisfied from the evidence submitted that the use of the caravan for residential purposes has taken place for a period in excess of ten years as of the date of application. However, the planning unit that relates to the caravan is incorrectly defined within the application as it includes land that, whilst in the applicant's ownership, is both*

physically and functionally not associated with the use of the caravan. On this basis, it is therefore not possible to issue a certificate confirming that the existing use is considered to be lawful within the meaning of Section 191 of the Town and Country Planning Act 1990'. The application was submitted on 22 July 2019 and refused on 16 September 2019.

- 4.3 Planning application 19/01261/CPE was a resubmission of application 19/00654/CPE which had an amended red edge showing only the building within which the caravan was located. This smaller red edged area was in accordance with advice given by the Council's planning officers during their consideration of the first application. Based on the reduced site area, a Certificate of Lawfulness for *"the existing use of static caravan as a residential dwelling"*. The application was submitted on 21 October 2019 and determined on 16 December 2019 with the existing use determined to be lawful.
- 4.4 Planning application 20/00333/FUL was an application for the demolition of an existing steel portal frame equine building which houses a residential static caravan and the erection of a single detached dwelling at Redgate Stables. The application was submitted on 29 April 2020 and was approved with conditions on 13 November 2020.

5. PLANNING POLICY CONSIDERATIONS

General

- 5.1 Local Planning Authorities are required to determine planning applications in accordance with the Statutory Development Plan unless material considerations indicate otherwise. If it is to be approved, any development must therefore satisfy, as far as possible, guidance contained within the National Planning Policy Framework 2023 (NPPF) and the relevant policies of the Council's Development Plan. In Rochdale, the Development Plan comprises the Core Strategy of the Local Plan, adopted October 2016, certain retained policies of the UDP and Supplementary Planning Documents (SPD's).
- 5.2 We set out below extracts from the relevant documents to facilitate the assessment of the application proposal against the principal appropriate policies and guidance.

National Planning Policy Framework 2023 (NPPF)

- 5.3 The National Planning Policy Framework 2023 is now the main national planning policy guidance influencing planning decision making in England. It sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally prepared plans for housing and other development can be produced.
- 5.4 Paragraphs 11 – 14 of the NPPF highlight the presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making and therefore proposed development that accords with an up-

to-date development plan should be approved, unless other material considerations indicate that the plan should not be followed.

- 5.5 Importantly, paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 5.6 Paragraph 11 also clearly spells out the Government's presumption in favour of allowing development that accords with an up-to-date development plan unless any adverse impacts of doing so would demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.7 As the application site is within the Green Belt, Section 13 of NPPF is relevant to the consideration of the proposed development. Paragraph 143 states that Green Belt serves the following five purposes:
- a) *To check the unrestricted sprawl of large built-up areas;*
 - b) *To prevent neighbouring towns merging into one another;*
 - c) *To assist in safeguarding the countryside from encroachment;*
 - d) *To preserve the setting and special character of historic towns; and*
 - e) *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 5.8 We consider that the proposed demolition of a building and the erection of another smaller building within its footprint, as proposed by this application, will not contravene the first three of the stated purposes. The other two are not relevant to this proposal.
- 5.9 Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but with seven exceptions, one of which (g) is as follows:
- "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- *Not have a greater impact on the openness of the Green Belt than the existing development, or*
 - *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*
- 5.10 As the existing building has been in equine use and has housed a residential caravan since 2005, its demolition, followed by the construction of the proposed dwelling would constitute the redevelopment of previously developed land. As the proposed dwelling is smaller than the existing building, the proposal would result in an improvement in the openness of the Green Belt thereby satisfying the first

requirement of Paragraph 154. As such, the second requirement is not relevant to the consideration of this application.

- 5.11 We therefore consider the proposal not to be inappropriate development in the Green Belt as it falls within exception (g) of Paragraph 145 of NPPF. In the officers delegated report in respect of application 20/00333/FUL this position is confirmed to be the case.
- 5.12 With reference to Paragraph 11 of NPPF, we consider that the Council's Development Plan, as defined above, is up to date. We will therefore explain below why we consider the proposal to comply with the relevant Policies of the Development Plan and why the proposal therefore represents sustainable development which, in line with NPPF advice, should therefore be approved.

Saved UDP Policies

Policy G/D/2 – Green Belt

- 5.13 This is the only saved Policy of the UDP that we consider to be relevant to this application. It is a general policy that seeks to protect the Green Belt from inappropriate development in order to maintain the framework of open land separating and surrounding the urban areas of the Borough. We consider that the proposal would not in any way prejudice the function of the Green Belt in this locality. Indeed, we consider that the demolition of a building and the erection, within its footprint of a smaller building will enhance the openness of the Green Belt.

Core Strategy Policies

Policy G4 - Protecting Green Belt Land

- 5.14 This Policy states that development will be restricted to those types of development which are deemed appropriate by national planning policies. For reasons that we have stated above (Paragraphs 5.7 - 5.11) the proposal represents development that is not inappropriate development in the Green Belt as confirmed by paragraphs 134 and 145 (g) of NPPF.

Policy SD1 – Delivering Sustainable Development

- 5.15 This Policy contains the advice in Paragraphs 11 and 38 of NPPF. We welcome the commitment in this Policy that the Council *“will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”* The proposal relates to the construction of a dwelling on a site that has a lawful use for such development. The proposed dwelling would be constructed to modern standards with respect to matters such as insulation and energy efficiency and, as such, in our opinion, represents sustainable development that will improve the economic, social and environmental conditions in the area. If, however, the Council requires any amendments to the proposal in order that permission can be granted, we request that you give us the opportunity to make such amendments, prior to the

determination of the application in accordance with the commitment given by this Policy.

Policy P3 – Improving Design of New Development

- 5.16 This Policy requires all new developments, including associated landscaping, regardless of location in the Borough, to adhere to high standards of design, and lists a number of principles that should be adhered to wherever relevant. As a proposal for the erection of just one dwelling within a group of equine buildings, many of the requirements of this Policy are not relevant to this application. However, as we have stated, there is a mixture of building types, designs and external materials in the locality. We consider that the proposed dwelling to be constructed in stone with a blue slate roof will give the appearance of a typical dwelling at a farmstead and will therefore be appropriate for its location and will not be harmful to the visual amenities and character of the area.

Policy DM1 – General Development Requirements

- 5.17 This is the Council's general development policy which states the general criteria that all proposals will be expected to satisfy. Insofar as they are relevant to this proposal, we will comment on each of those criteria below.

(a) Are of high-quality design and take the opportunity to enhance the quality of the area.

- 5.18 As previously stated, we consider that the design and appearance of the proposed dwelling are appropriate to the locality.

(b) Are compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents/users.

- 5.19 The site is in mixed use comprising stables and the lawful use of the occupation of a static caravan as a dwelling. The nearest uses to the site of the proposed new dwelling will therefore be the applicant's own stables and other existing dwellings. As such, the proposal will not really bring about any changes with regards to the matter of compatibility between the various land uses in the immediate vicinity of the site.

(c) Do not adversely affect the amenities of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

- 5.20 The visual impact of the proposal on nearby residents will be minimal as the proposed dwelling will be smaller than the existing building that is to be demolished. The orientation and siting of the dwelling and its distance from surrounding existing dwellings are such that there would be no overbearing or overshadowing effects on existing dwellings, or any harm to the level of privacy that their occupiers currently enjoy.

(d) Mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such mitigation is identified as being necessary.

- 5.21 The proposal will not require any mitigation measures in respect of any of the stated potential pollutants and traffic generation will not change from the existing situation at the site.

(e) Provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account the proposed use and location.

- 5.22 The access to the dwelling will be the same access that has served the residential caravan since 2005 and there is more than adequate space within the group of buildings to satisfy the parking requirements of one dwelling.

(f) Do not have an adverse impact on health, through its impact or the effect of existing problems e.g. land contamination or poor air quality.

- 5.23 The proposed dwelling will be built to modern standards of insulation etc. to the benefit of the health of its future occupiers.

(g) Provide or demonstrate the availability of, the service and community infrastructure necessary to meet local needs e.g. local shops, community, leisure and sport facilities and provision of open space.

- 5.24 This criterion is not relevant to this application.

(h) Minimise opportunities for crime against people or property.

- 5.25 The proposed dwelling will, in our opinion, be more secure against potential crime than the existing caravan.

(i) Take account of ground conditions including unstable or contaminated land – where a potential risk exists, a survey should be carried out and any necessary remedial measures identified and carried out.

- 5.26 The proposed dwelling will be within the footprint of an existing building that has solid floors. There will, therefore, be no problems associated with unstable ground or ground contamination.

(j) Incorporate, where appropriate, high quality landscape schemes.

- 5.27 We do not consider a landscaping scheme to be necessary for this proposal.

(k) Have assessed whether development may be affected by ground instability.

- 5.28 As stated at (i) above there will be no problems associated with unstable ground.

(l) Have considered the availability of water and wastewater infrastructure, and any need for additional capacity.

- 5.29 This application does not have any implications in respect of the availability of infrastructure.

(m) Do not lead to impacts detrimental to the conservation interests of European Protected Sites.

- 5.30 The proposal has no impacts on the conservation of any European Protected Sites. The submitted Bat, Barn Owl and Nesting Bird Survey Report confirms that, subject to compliance with the recommended mitigation measures, the proposal will not result in any harm to bats, barn owls or nesting birds.
- 5.31 Overall, we consider that the proposed development satisfies the requirements of all the relevant Policies of the Council's adopted Core Strategy.

6. SUMMARY AND CONCLUSIONS

- 6.1 The Certificate of Lawfulness of Existing Use or Development 19/01261/CPE granted on 16 December 2019 confirmed that there is a lawful use for the occupation of a static caravan at this site as a residential dwelling. When added to the existing equine use, the site, in planning terms, is a mixed use, brownfield site within the Green Belt. We therefore contend that the replacement of the existing building with a dwelling is development that is acceptable in principle. We have demonstrated in this Statement that, by virtue of exception (g) of Paragraph 145 of NPPF, the proposal is not inappropriate development in the Green Belt. Through the consideration of the proposal against the relevant Policies of the Council's Core Strategy, we consider that we have demonstrated that the proposed development will not cause any detriment to the appearance and character of the locality, highway safety or the amenities of any nearby residents.
- 6.2 It was our contention when we submitted application 20/00333/FUL that the proposal was fully supported by the relevant Policies of the Council's Core Strategy and by the National Planning Policy Framework and that as such, the proposal accorded with the development plan, and there are no sustainable reasons for refusal of the application to which this Statement relates. This position was accepted by the Council and the application was approved, there have been no changes to the local planning policy since the previous application was approved and the changes that have been made to the NPPF in the intervening period do not have any consequences for the type of development proposed therefore we would expect the Council to be able to approve the application without delay.

