



Steven Abbott Associates LLP
Chartered Town Planners

PLANNING STATEMENT

Martin Muldowney

Erection of a Single Detached Residential Dwelling

Land Adjacent to Windy Ridge, Blackstone Edge Old Road,
Littleborough

September 2022



REPORT DETAILS

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1. INTRODUCTION

- 1.1. Steven Abbott Associates LLP is instructed by Martin Muldowney to provide professional planning advice in relation to the preparation and submission of a planning application for a detached residential dwelling on land adjacent to Windy Ridge, Blackstone Edge Old Road, Littleborough.
- 1.2. There is some highly relevant planning history on the site with planning permission granted on 23rd December 2014 for a single detached dwelling. However, our client found after acquiring the site the approved scheme did not fully respond to his own specific requirements for him and his family.
- 1.3. The current planning application before you is for a revised scheme which now meets our client's brief which was for a new dwelling of outstanding architectural design with zero or positive energy consumption, which responds directly to the site context, with a reference to the rocky outcrop at Blackstone Edge which is visible directly from the site.
- 1.4. All this information is set out in more detail in the Design and Access Statement which has been produced by CJ Partnership and forms a crucial component of this planning application given how it also explains the concept behind the proposed scheme given the context of the site and the surrounding areas.
- 1.5. The team involved in the production of this planning application is made up of the following professionals:
 - Architects – CJ Partnership;
 - Planning Consultants – Steven Abbott Associates LLP;
 - Landscape Architects – Trevor Bridge Associates Ltd;
 - Drainage Consultants – LK Consult;
 - Ecology Consultants – Verity Webster;

- Heritage Consultant – Adapt Heritage.

1.6. The planning case for the proposed development is set out in detail in Section 6 of this Planning Statement. However, in summary, the principle of development can be established through exception 'e' under paragraph 149 of the National Planning Policy Framework (NPPF) given that the development proposed constitutes limited infilling in a village.

2. SITE AND SURROUNDINGS

- 2.1. The application site is located off Blackstone Edge Old Road and measures approximately 0.67 hectares. The site is within the Green Belt and slopes downwards from its south-eastern corner where it fronts Blackstone edge Old Road.
- 2.2. There is currently no vehicular access to the site, but pedestrian access is possible from Blackstone Edge Old Road and next to the eastern boundary of the application site is a public footpath which links Blackstone Edge Old Road and Halifax Road. There is a dry stone wall along the southern boundary which fronts Blackstone Edge Old Road.
- 2.3. Whilst located within the Green Belt, the site is directly adjacent to the Defined Urban Area and there are residential dwellings fronting Blackstone Edge Old Road to the east, south and west of the site.
- 2.4. The surrounding residential properties are diverse in style with no set architectural pattern or style. There are traditional stone-built cottages, large, detached dwellings and highly contemporary dwellings within close proximity of the application

3. RELEVANT PLANNING HISTORY

3.1. The following planning application has been approved on the site:

Planning Application Reference: 13/01214/FUL

Proposal: Erection of One Detached Dwelling

Decision: Approved 23rd December 2014

4. PROPOSED DEVELOPMENT

4.1. CJ Partnership have produced an excellent Design and Access Statement which sets out the design concept and other relevant information regarding the proposed new dwelling, so it is not considered necessary to duplicate that content here.

4.2. Notwithstanding this, it is considered prudent to set out the design approach which is contained in the Design and Access Statement, as it ensures that the LPA understand the clear thinking behind the proposed design:

“Our approach to the design development focused on the following core elements.

1. A home which facilitates the client’s current and future needs.
2. An environmental design, which works in harmony with the ‘uniqueness’ of the site and utilises its elevated position and open nature to best effect.
3. To respond to the robust qualities of the existing landscape and built environment.
4. To achieve the highest levels of energy efficiency.
5. Create external spaces which work in harmony with the architecture and internal spaces and create a vibrant and harmonious dynamic within the immediate and wider landscape.
6. The definition of an immediate ‘arrival space’ focal point.
7. Take inspiration from the geology of Blackstone Edge, which is a local landscape feature and gives the road its name.”

4.3. The resulting new home subject to this planning application ticks all of the above boxes and, putting the planning policy issues which are addressed in

Section 6 to one side for the moment, is a development of outstanding architectural quality worthy of the support of the LPA.

5. RELEVANT PLANNING POLICY

5.1. The Local Plan's two most relevant documents for this application are the Core Strategy and the Unitary Development Plan 1996 – 2016. The most relevant policies within those two documents are as follows:

Core Strategy

- SO2: To Create Successful and Healthy Communities
- SO3: To Improve Design, Image and Quality of Place
- P2: Protecting and Enhancing Character, Landscape and Heritage
- P3: Improving Design of New Development
- G4: Protecting Green Belt

The Unitary Development Plan

- G/D/2: Green Belt
- D/4: Control of Development in Green Belt – General
- G/H/1: Housing
- H/3: Residential Development Outside Allocated Areas
- G/BE/1: Design Quality
- BE/2: Design Criteria for New Development
- G/BE/9: Conservation of the Built Heritage
- BE/15: New Development Affecting the Setting of a Listed Building

5.2. Paragraph 149 of the NPPF sets out seven exceptions which allow new buildings to be appropriate development in the Green Belt. One of these exceptions (e) is “limited infilling in villages”. This is highly relevant to this planning application and the reasons why are set out in the following section.

5.3. It is our case that the proposed development is fully compliant with both national and planning policy and there are no other material planning considerations which should result in the application not being approved by the LPA.

6. THE CASE FOR THE APPLICANT

6.1. The application site is located within an existing cluster of residential dwellings. Crucially, the site directly adjoins the Defined Urban Area in the Local Plan and, on the ground, is not separated from the settlement in any way. This is not an isolated Green Belt site and, on the ground, it is clearly part of the settlement.

6.2. Paragraph 149 of the NPPF reads as follows (emphasis added):

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agriculture and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;**
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) 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;
- 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."

6.3. Exception 'e' is engaged because the proposed development constitutes limited infilling in a village.

6.4. To comply with the exception, two strands of the exception have to be addressed:

- Is it limited infilling?
- Is it within a village?

6.5. Taking the above in turn, it is clear that the site is an infill plot given its location between houses that front Blackstone Edge Old Road and given the fact that it also has a number of houses to the north and north west beyond its boundaries. It is classed as 'limited' development due to the proposals being limited to a single dwelling.

6.6. Moving on to the second and final strand of the exception – is the site within a village?

6.7. Case law has established that an application site does not have to be within an area designated formally as a 'Village' in the Local Plan for exception 'e' to be engaged. In the Court of Appeal judgment of *Wood v SSCLG* [2015] EWCA Civ 195, at paragraph 12, Sullivan LJ notes:

"Before this court it was common ground that whether or not a proposed development constituted limited in a village for the purposes of paragraph 89 (*now paragraph 149*) was a question of planning judgment for the Inspector and the Inspector's answer to that question would depend upon his

assessment of the position on the ground. It was also common ground that while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the Inspector's assessment of the extent of the village on the ground."

- 6.8. When applying the principle of the above judgment to this planning application – the application site is just outside the settlement boundary, but if you head on foot along Blackstone Edge Old Road (as the author of this Planning Statement did when visiting the site) in a westerly direction, there is no real break in the built environment, and you pass a bar/restaurant before arriving at the junction with Halifax Road. The situation is the same as you head in in a south-westerly direction along Halifax Road which has residential development lining it and shops, services and Littleborough Train Station in relatively close vicinity.
- 6.9. From first-hand experience on this walk, it was very clear that, on the ground, the application site is within the settlement and therefore exception 'e' is fully engaged as a result.
- 6.10. On 22nd April 2016, the Court of Appeal gave judgment in R (Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd [2016] Env LR 30 ("the Lee Valley case"). The relevance of the Lee Valley case is that, once it is established that the proposed development on Blackstone Edge Old Road engages exception 'e', this confirms that the development is appropriate in the Green Belt and, thus, is not harmful to the Green Belt. Therefore, the standard Green Belt tests, such as the impact of the proposed development on the openness of the Green Belt, need not be applied.
- 6.11. There are other material planning considerations relevant to this planning application but the professionals in the team that our client has instructed have addressed these in a comprehensive and robust manner, so there is no need for them to be addressed in this Planning Statement as the respective reports and plans are available as public documents to all interested parties.

7. CONCLUSIONS

- 7.1. This Planning Statement sets out a clear and robust planning case for the granting of planning permission for a single dwelling on the application site.
- 7.2. The planning application presented to the LPA is fully compliant with both local and national planning policies and there are no valid reasons why the application should not be supported by the LPA.
- 7.3. It is for these reasons, and those set out elsewhere in this Planning Statement, that it is respectfully suggested that this planning application should be approved and planning permission granted for that which has been applied for.