

PLANNING STATEMENT

On behalf of Olivia McKee

Site of Hollingworth Heights

Town & Country Planning Act 1990 (as amended)

Planning and Compulsory Purchase Act 2004

Document Control

Issue	Date	Author	Comment
DV	13 August 2025	STC	
SV	15 August 2025	STC	

Copyright HERA Planning 2025

NOTICE

This document has been prepared for the sole use of the Client in accordance with the terms of the appointment under which it was produced. HERA Planning accepts no responsibility for any use of or reliance on the contents of this document by any third party. No part of this document shall be copied or reproduced in any form without the prior written permission of HERA Planning.

CONTENTS

1	INTRODUCTION	3
2	THE SITE AND THE SURROUNDING AREA	5
2.1	The Site	5
2.2	The Surrounding Area.....	6
2.3	Landscape Character Baseline for the Site	7
2.4	Ecological Baseline – Preliminary Ecological Appraisal for the Site	8
2.5	Ecological Baseline – Bat Activity Reports for the Site	10
2.6	Tree Survey with Impact Assessment for the Site	11
3	PLANNING HISTORY.....	13
3.1	The Certificate of Lawful Development	13
4	REVISED CLD AS THE FALLBACK SCHEME.....	16
5	PROPOSAL.....	18
5.2	Appearance.....	19
5.3	Scale, Existing v Proposed.....	21
5.4	Landscaping	22
5.5	Enhancing Biodiversity.....	22
5.6	Access	23
5.7	Design – Summary	23
6	PLANNING CONTEXT.....	24
6.1	Adopted Development Plan	24
6.2	Policies Relevant to the Matter in Hand.....	24
6.3	Relevant Policy Context – Green Belt Status.....	26
a)	<i>To check the unrestricted sprawl of large built up areas;</i>	26
6.4	The Site and Grey Belt	29
6.5	Summary Position on Green Belt Policy	30
6.6	Very Special Circumstances	31
7	PERFORMANCE AGAINST DEVELOPMENT PLAN POLICIES	33
7.1	Principle Takeaways from the DP	33
8	OTHER MATERIAL CIRCUMSTANCES	34
9	CONCLUSION.....	36
ANNEX A -	RELEVANT DEVELOPMENT PLAN POLICIES	37
ANNEX B -	OFFICER REPORT FOR CLD	45

1 INTRODUCTION

1.1.1 HERA Planning is instructed by Olivia McKee (the “Applicant”) to prepare this report, the purpose of which is to support a planning application for development within/at the site of Hollingworth Heights, Peanock Lane, Littleborough, OL15 OAD (the “site”).

1.1.2 The proposed development comprises:

Demolition of existing dwelling and erection of a replacement dwelling with associated parking, and landscaping (including biodiversity enhancement)

1.1.3 In addition to this Planning Statement (the “PS”) the preparation of the planning application (the “submission”) is supported by a team of co-consultants and the following documents:

- Design and Access Statement – prepared by Kimble Roden Architects
- Landscape and Visual Impact Assessment – Prepared by TPM Landscape
- Preliminary Ecological Appraisal – prepared by Rachel Hacking Ecology
- Bat Activity Report – prepared by Estrada Ecology
- Biodiversity Enhancement Report – prepared by Estrada Ecology; and
- Tree Survey with Arboricultural Impact Assessment – prepared by AWA

Drawing Package submitted with the application prepared by Kimble Roden	
Title	Reference
Existing Floor Plans and Elevations	Drawing Reference: P01
Existing Site Plan/ Topographical Survey	Drawing Reference: P02
Proposed Site Plan	Drawing Reference: P03
Proposed Floor Plans	Drawing Reference: P04

Drawing Package submitted with the application prepared by Kimble Roden	
Proposed Elevations	Drawing Reference: P05
Proposed Elevations and Sections	Drawing Reference: P06
Proposed Site Plan (extended)	Drawing Reference P07

- 1.1.4 For the purposes of the PS, development is defined with reference to s55 of the Town and Country Planning Act 1990 (the “Act”) as:

The carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land.

- 1.1.5 For the purposes of the Act building operations are taken to mean:

- a) Demolition of buildings*
- b) Rebuilding*
- c) Structural alterations of or additions to buildings; and*
- d) Other operations normally undertaken by a person carrying on business as a builder¹.*

- 1.1.6 In terms of the proposed development by type, this comprises an open market dwelling, which falls into Use Class C3.

- 1.1.7 As regards the planning policy framework to which the PA refers, this comprises:

- The Development Plan for Rochdale Borough Council; and
- The National Planning Policy Framework

2 THE SITE AND THE SURROUNDING AREA

2.1 The Site

- 2.1.1 The site (enclosing approximately 0.45ha) is currently occupied by a detached dwelling. Dating from the latter half of the 20th Century, the dwelling has been altered and extended over its lifetime in a piecemeal fashion to create a four bed property. The accommodation is laid out over three floors (working with the shift in levels across the site to the north). The dwelling sits in an elevated position within the site.



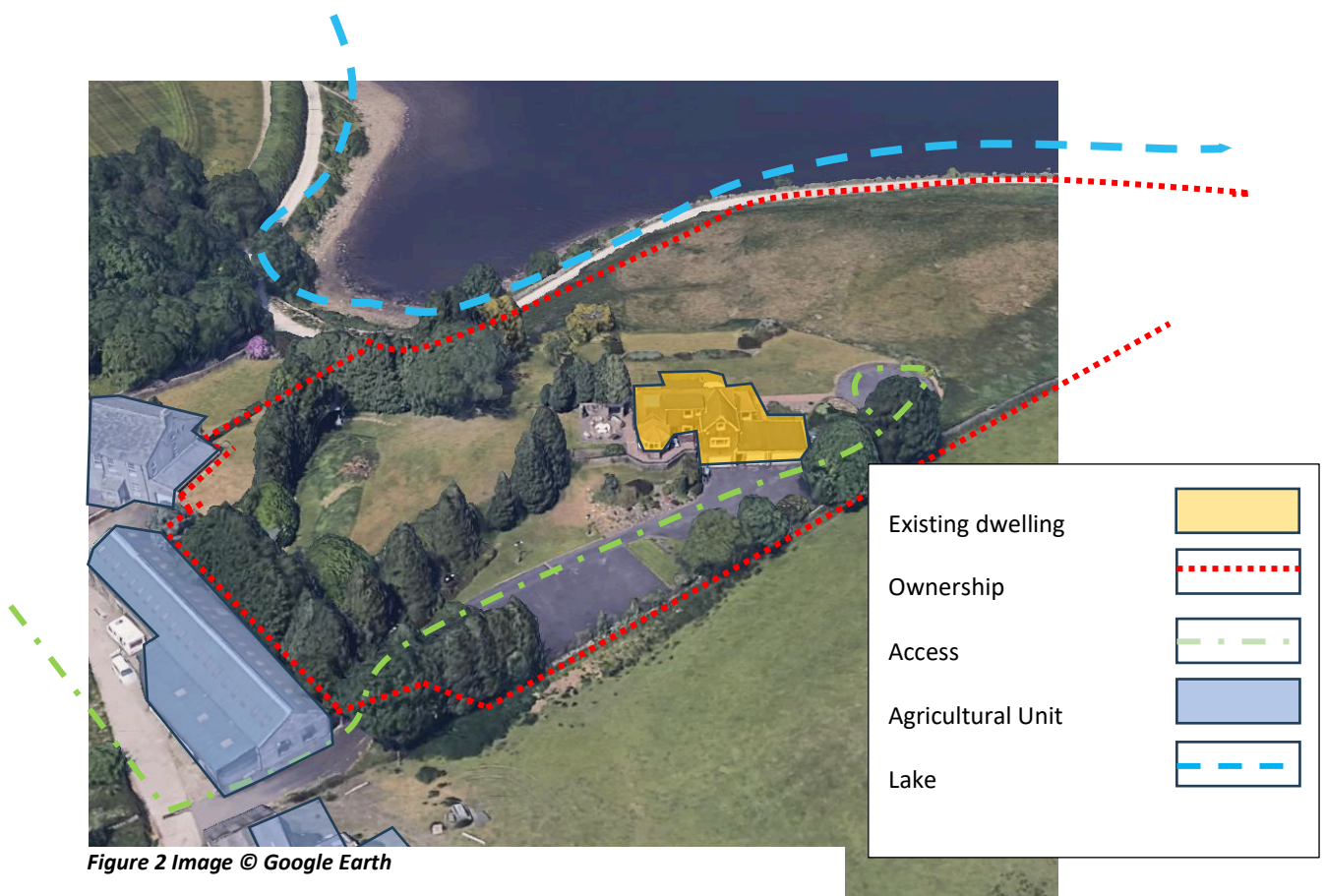
Figure 1 – Image copyright Google Earth

2.1.2 The setting to the dwelling contains large expanses of hardstanding to the northeast, south and southwest; otherwise the site is cultivated, laid to lawn with belts of mature landscaping (the value of which as a habitat is described within Section 2.4 of the PS). The boundaries are marked by a mix of mature landscaping (including trees and hedgerow), timber fencing (including post and rail) and drystone walling. The cultivated landscaped setting is quite sterile. Figure 1 identifies the extent of the building footprint and areas of hardstanding within the site.

2.1.3 Accessed off Peanock Lane leading north/northwest from Wildhouse Lane the dwelling is served via a dedicated private drive with ample parking and manoeuvring space.

2.2 The Surrounding Area

2.2.1 Adjoining the site to the south east is an agricultural unit served by a farmhouse with a range of outbuildings of varying sizes and ages. The site is accessed through this adjoining agricultural unit.



- 2.2.2 Hollingworth Lake Country Park (the “Lake”) is situated to the north/northeast, and, at its nearest, the dwelling is situated within approximately 50m of the Lake’s edge; the northern site boundary (marked by a post and rail fence) abuts the bridleway that runs around the lake edge. Otherwise the site offers clear views onto the Moorland to the west/northwest of the site. Views to the south are limited by the presence of mature trees and so the agricultural holding which adjoins the site is not immediately felt.
- 2.2.3 To the south of the site and also accessed via Peacock Lane, there lie two further detached dwellings. Otherwise the area surrounding the site has a rural character.

2.3 Landscape Character Baseline for the Site

- 2.3.1 A landscape character assessment has been undertaken as part of the preparation of the Landscape and Visual Impact Assessment by TPM (the “LVIA”). The wider landscape is best described with reference to this assessment of its character.



Figure 3 © TPM Landscape

2.3.2 According to the LVIA:

The site lies within the National Landscape of the Pennine Fringe and at the border of the Southern Pennine NCA. It also lies within areas assessed within the Greater Manchester Landscape and Character Sensitivity Assessment 2018. Within this [character area] the site lies in the landscape character type Pennine Foothills (West/South) and within the landscape character area Rochdale and Oldham South Pennine Foothills.

2.3.3 The landscape sensitivity to the type of development being proposed is described, within the LVIA, as *Moderate*.

2.4 Ecological Baseline – Preliminary Ecological Appraisal for the Site

2.4.1 Rachel Hacking Ecology was appointed to undertake a Preliminary Ecological Appraisal in April 2025 (the ‘PEA’). The key findings of the PEA are that:

The site has a low to moderate level of ecological interest. Key ecological features include high potential for roosting bats in the house, scattered trees offering suitable nesting habitat for birds, foraging and commuting opportunities for bats, and foraging and sheltering habitat for Badgers and Hedgehogs. Invasive species Japanese Knotweed and Wall Cotoneaster are present in the garden².

2.4.2 Owing to the small scale of the site, which limited the *likelihood of significant ecological constraints or the presence of notable habitats or species³*, no desktop survey was undertaken. An extended Phase 1 habitat survey was undertaken involving a walkover of the site.

² Rachel Hacking Ecology, PEA, Executive Summary

³ Rachel Hacking Ecology, PEA, Page 5, Section 2

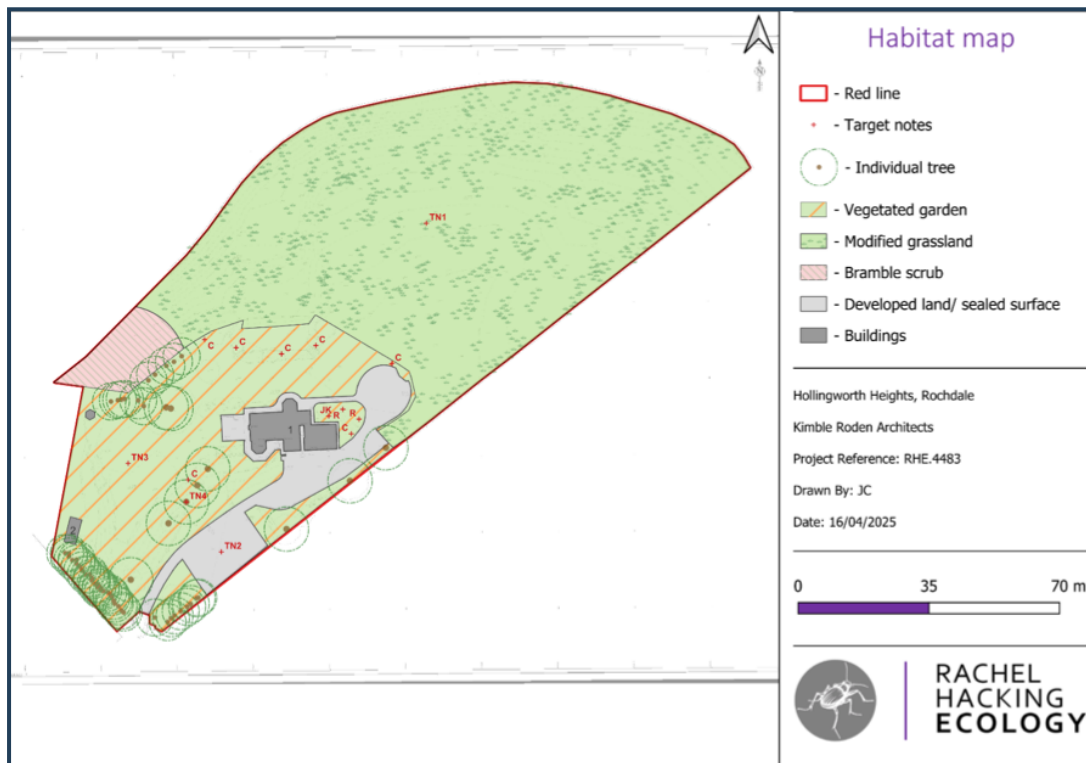


Figure 4 Habitat Map © Rachel Hacking Ecology

2.4.3 The PEA found that the site as located within the Impact Risk Zone of two Sites of Special Scientific Interest (“SSSI”) but confirmed that no consultation with Natural England would be required. Grassland/modified (species poor) grassland was found to be the dominant habitat. Of the trees recorded, these were dominated by the species Cypress Sp. *Chamaecyparis/Cupressocyparis* sp. There was no evidence of Badger, although habitats surrounding the site are considered to offer suitable conditions for Badger. In addition there were no signs of Hedgehog. The site offers suitable foraging and nesting habitat for birds.

2.4.4 The PEA recommended:

Further survey work ... to establish the status of roosting bats within the building.

2.4.5 The PEA also recommended the protection of ecological features (habitats and species) during the construction phase, and the preparation of a Biodiversity Management Plan with Construction and Environmental Management Plan.

2.5 Ecological Baseline – Bat Activity Reports for the Site

2.5.1 Estrada Ecology has been commissioned to undertake three bat activity surveys across the site - noting that the existing dwelling (which is set to be demolished) has high roosting potential.

2.5.2 According to Estrada Ecology's report:

The objective of the surveys was to establish if bats were using the site for roosting, or as a place of shelter, and, to identify to species level, to determine the population size and nature of the roost within the property on site⁴.

2.5.3 The surveys were undertaken in May, June and July 2025.

2.5.4 To note⁵:

No biological records were commissioned for the Preliminary Ecological Appraisal Report

No mitigation licenses were returned for a 1km radius from central grid following consultation with Magic Map

Prior to the start of the activity surveys, a visual inspection of the buildings was undertaken, where accessible

No fresh field sign evidence to indicate use of any structure was recorded and no bats were recorded in situ within accessible parts of the building.

2.5.5 The surveys have confirmed that the site *as being used by low numbers of common pipistrelle bats for roosting with two roost locations identified. Based on survey data, the roosts are classified as day roosts, each used by a peak count of 1 bat⁶.*

2.5.6 The surveys found:

No evidence to infer the site contains species other than those aforementioned

⁴ Estrada Ecology, Bat Activity Report, Page 8, Section 3. Paragraph 3.1

⁵ Estrada Ecology, Bat Activity Report, Page 11, Section 5 onwards

⁶ Estrada Ecology, Bat Activity Report, Page 15 from Section 6

No evidence to suggest the site serves as a major foraging resource or commuting habitat

2.5.7 In addition the ecologists found *no evidence of the use of the structure by breeding birds.*

2.5.8 The Bat Activity Report concludes that:

In order to legally facilitate the proposed demolition works, a mitigation will need to be obtained from Natural England in advance of the onset of any works or the site entered into the Bat Low Impact Scheme⁷.

2.6 Tree Survey with Impact Assessment for the Site

2.6.1 AWA were appointed to the matter of undertaking a Tree Survey with Impact Assessment, and have confirmed the following:

The surveyed site ... contains 43 tree features [28 individual trees and 15 tree groups or hedges], including individual trees, tree groups and hedges...categorised as follows:

- *1 tree deemed unsuitable for retention*
- *0 trees of high value*
- *2 trees of moderate value [T1 and T16 – early mature Sycamore in good condition]*
- *40 trees of low value*

2.6.2 The survey took place in June 2025, the trees were surveyed visually from the ground and the survey considered the effect of the proposed development on any off site trees. Tree positions were confirmed with reference to the Topographical Survey.



Photo of T1 from the South © AWA



Photo of T16 from west © AWA

⁷ Estrada Ecology, Bat Activity Report, Page 16, from Section 8

- 2.6.3 The Tree Root Protection Area (“RPA”) has been mapped for each tree and plotted on a Tree Constraints Plan (attached to Appendix 5).

3 PLANNING HISTORY

Application Number	Description	Date Decided	Decision
00/DE7441	Conservatory Extension	April 2000	Approved
98/D35581	Single Storey Rear Extension	September 1998	Approved
25/00308/CPL	Application seeking a Certificate of Lawful Development for a two storey rear extension, 2 x single storey side extensions, external alterations and the erection of 2 x outbuildings	May 2024	Partially Approved

Table 2 – Information obtained from the Rochdale Borough Council’s Planning Application Database.

3.1 The Certificate of Lawful Development

- 3.1.1 Application reference: 25/00308/CPL (the “CLD”) is interesting for the fact it has established that there is an amount of development capable of being undertaken at/within the site without the need to obtain planning permission.

- 3.1.2 Such development is that granted express consent under Part 1 to Schedule 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (the “Order”).
- 3.1.3 In the case of the site, the scheme of alteration (involving a combination of the repurposing of existing accommodation and the addition of new accommodation) (the “CLD proposal”) included:
- Extended kitchen facilities
 - Extended bedroom facilities
 - New lounge area
 - A playroom
 - Utility space with boot room
 - Home office with cinema room; and
 - Gym/Yoga studio with sauna and steam room
- 3.1.4 As part of the outcome of the CLD it was agreed that the two storey extension to the rear complied with Class A to Part 1 of Schedule 2 of the Order. It was also agreed that the outbuildings proposed were Class E to Part of Schedule 2 of the Order compliant⁸.
- 3.1.5 In its assessment of the CLD, the Local Authority also gave consideration to the matter of additions it claimed were being proposed to the roof under Class B of the Order, in regard to which it was concluded that the CLD proposal would not be compliant.
- 3.1.6 At the time of the decision on the CLD the Applicant had no wish to challenge the Local Authority’s position as to the applicability of Class B to the CLD proposal; or indeed its findings in relation to Class B; instead they redesigned the CLD proposal, substituting the two storey extension under Class A, for a single storey extension under Class A (extending 4m from the rear elevation of the existing dwelling) (the “revised CLD proposal”).

⁸ Officer report for the CLD proposal is attached at Annex B

- 3.1.7 In terms of the scale of the development (by way of Classes A and E of the Order) set to be delivered under the revised CLD the design team concluded that there would have resulted an increase in the building footprints within the site of 370sqm (or + 181%) and an uplift in volume of 1,329cum (equating to + 122%) over and above the existing dwelling.
- 3.1.8 However, even with such a comprehensive programme of renovation, the architecture would not be cohesive; the dwelling would continue to spread itself across the site in a piecemeal fashion. Furthermore, it would be difficult to retrofit better energy performance/sustainability credentials given the quality of the build and the origins of its construction.
- 3.1.9 Considering all of the above and in discussion with their design team it was agreed that, whilst the revised CLD proposal (or some iteration thereof) would offer the scale of accommodation the Applicant was seeking, there was much greater merit (from a design perspective) in taking matters back to ground with a view to designing a bespoke dwelling in place of what exists.

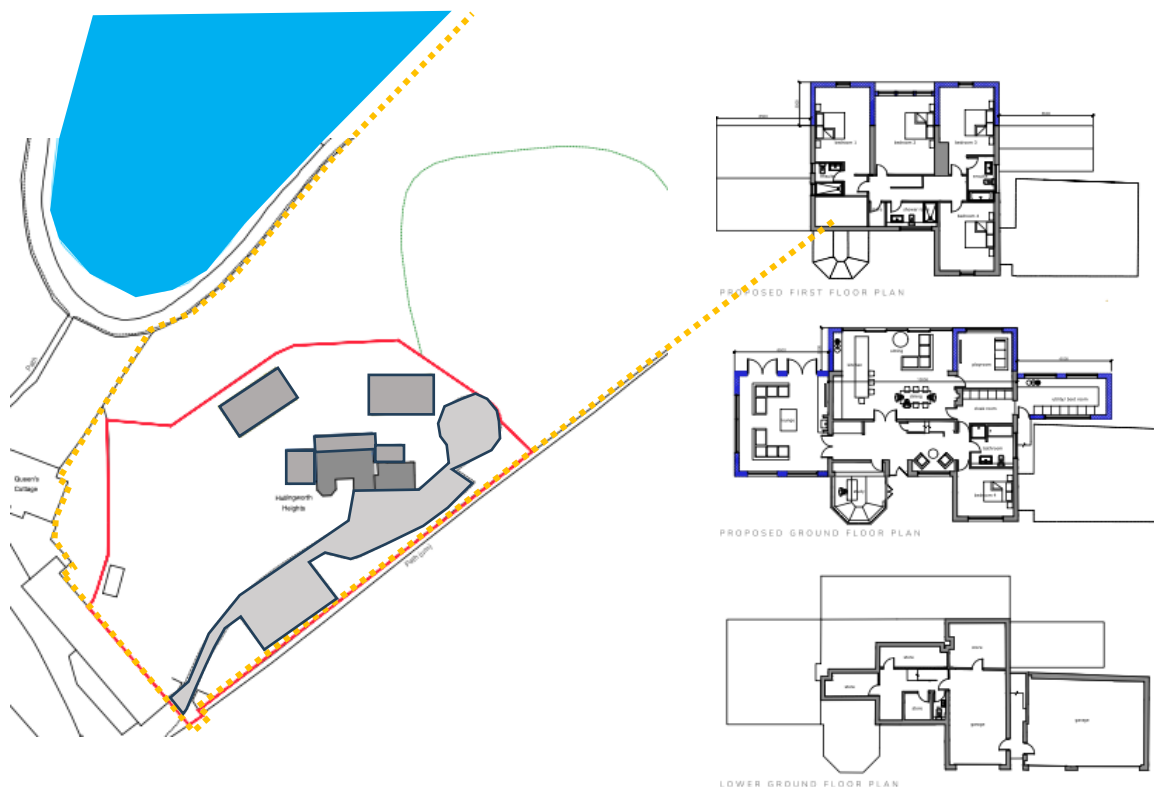


Figure 5 Permitted Development CLD © Kimble Roden

4 REVISED CLD AS THE FALLBACK SCHEME

4.1.1 Notwithstanding the conclusions reached between the design team and the Applicant as regards retaining v replacing the dwelling; the developed capable of being delivered under the revised CLD must be considered to comprise a fallback position. The background to the matter of the fallback position is explained further in the following paragraphs.

4.1.2 The law relating to the fallback position is set out in **Mansell v Tonbridge and Malling BC** [2017] EWCA Civ 1314. Turning to that judgement (as per Lord Justice Lindblom at [27]) the following is noted:

The status of a fallback development as a material consideration in a planning decision not a novel concept. It is very familiar. Three things can be said about it:

- (1) Here, as in other aspects of the law of planning, the court must resist a prescriptive or formulaic approach, and must keep in mind the scope for a lawful exercise of planning judgement by a decision-maker.*
- (2) The relevant law as to a “real prospect” of a fallback development being implemented was applied by this court in Samuel Smith Old Brewery (see in particular, paragraphs 17 to 30 of Sullivan L.J.’s judgement, with which the Master of the Rolls and Toulson L.J agreed; and the judgement of Supperstone J. in R. (on the application of Kverndal) v London Borough of Hounslow Council [2015] EWHC 3084 (Admin), at paragraphs 17 and 42 to 530. As Sullivan L.J said in his judgement in Samuel Smith Old Brewery, in this context a “real” prospect is the antithesis of one that is ‘merely theoretical’ (paragraph 20). The basic principle is that “... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice” (paragraph 21). Previous decisions at first instance, including Ahern and Brentwood Borough Council v Secretary of State for the Environment [1996] 72 P. & C.R 61 must be read with care in the light of that statement of the law, and bearing in mind, as Sullivan L.J. emphasized, “... “fall back” cases tend to be very fact specific” (ibid). The role of planning judgement is vital. And “[it] is important ... not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulations that are not*

enactments of general application but are themselves simply the judge's response to the facts of the case before the court" (paragraph 22).

(3) Therefore, when the court is considering whether a decision-maker has properly identified a "real prospect" of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in other, not. This will always be a matter for the decision-maker's planning judgement in the particular circumstances of the case in hand".

- 4.1.3 Accordingly then, the fallback position is a material consideration, that absent planning permission for the proposed development, the Applicant is entitled to develop the site in accordance with their permitted development rights as expressed within the revised CLD.

5 PROPOSAL

- 5.1.1 The development proposes a replacement 5 bed dwelling with its accommodation laid out over three floors arranged as follows:

Lower Ground Floor

- Main entrance
- Garage
- Gym
- Utility and storage



Proposed front (southwest) elevation © Kimble Roden

Ground Floor

- Open plan kitchen, living and dining area
- Lounge
- Study/home office
- Guest bedroom (en-suite)



Proposed side (northwest) elevation © Kimble Roden

First Floor

- 3 x en-suite bedrooms



Proposed rear (northeast) elevation © Kimble Roden

Master suite with dressing room

- 5.1.2 In terms of outdoor space the dwelling is set to be served by four terraces (one of which is dedicated to the guest bedroom) each of which is connected directly to the internal habitable space at ground floor. Otherwise the wider setting is set to be landscaped in a formal manner close to the dwelling whilst being subject to a more naturalised approach within the wider site.

5.1.3 The existing point of access/egress from/to Peanock Lane will be maintained, although the intention is to reduce the amount of impervious hardstanding on site overall.

5.1.4 The proposed development is best described with reference to the contents of the Design and Access Statement (the “DAS”) and with reference to the drawing package (both prepared by Kimble Roden).

5.2 Appearance

Design Philosophy

5.2.1 According to the DAS, the decision to demolish and replace the existing structure provided the Applicant and their architects with the opportunity to *raise the standard of design ... whilst being sensitive to the defining characteristics of the local topography and vernacular.*

5.2.2 In addition, Kimble Roden reassessed *the impact of a dwelling on the site, its relationship with the topography and environment, its functionality as a home suitable for modern living and its efficiency in terms of energy performance.*

5.2.3 Kimble Roden has balanced the Applicant’s objectives against the potential impact on the Green Belt and taken the opportunity to enhance the landscaped setting, which was previously quite sterile.

Key Objectives

5.2.4 The Applicant and the Architects agreed a set of objectives, key amongst which was:

- to capitalise on the views towards the Lake
- create a connection between the living spaces and the wider landscape
- reduce the visual impact of the dwelling within the landscape
- curate a more sensitive setting for the dwelling

Design Response

5.2.5 Thus:

- the footprint of the dwelling has located such that its principal internal spaces orientated northeast
- the dwelling has been pulled further south from the Lake to minimise its impact in views from the Lake
- the dwelling has been designed with a flat roof set at a level 100mm below the height to ridge of the existing dwelling
- the material finish has taken its cues from the surrounding landscape, combining natural sandstone, with timber.
- The dwelling is grounded within the site by a stone plinth (enveloping the ground and lower ground floors) – reflective of the drystone walls that run through the surrounding landscape
- The upper floor is enveloped with vertical timber cladding, a material commonly found in the agricultural stock in the local landscape, and set back from the plinth to help emphasise the shift
- The fenestration is slotted into the timber cladding in a vertical pattern and following a clear rhythm
- The roof is designed to overhang the elevations so as to provide solar shading and to reduce glare from the fenestration
- The lower ground floor entrance is designed in contrast set back slightly, and emphasised through the use of a larger expanse of glazing.

Sustainability

- 5.2.6 The architects have confirmed that the dwelling is set to *deliver a significant uplift in energy performance, embracing modern sustainable technologies* and to this end the

design incorporates solar panels (within the area of the roof) and an air source heat pump. Further still the dwelling is engineered to passive design principles.

- 5.2.7 In terms of energy performance, the architects have confirmed that the existing house has an Energy Efficiency Rating of F, and even with the installation of renewable power sources the potential improvements [which might be achieved through a programme of renovation] would only enhance the performance to E. Appended to the DAS is an Energy Report (as an informative only).

5.3 Scale, Existing v Proposed

- 5.3.1 As stated in Section 5.1, in terms of its overall height the dwelling is to be set at a level 100mm below the height to ridge of the existing dwelling. Otherwise as set out within the DAS, the proposed dwelling will result in an uplift in both floor area, footprint and volume. The relevant tables are reproduced within this statement as Figures 1, 2 and 3.⁹
- 5.3.2 However, as evidenced, the proposed dwelling will occupy less volume and a smaller footprint and floor area than the fallback development.

	Volume	Percentage increase from existing dwelling	Percentage decrease from PD dwelling
Existing Dwelling	1032m ³	-	-
Permitted Development Scheme	2271m ³	+122%	-
Proposed Dwelling	1841m ³	+80%	-19%

Figure 6

	Footprint	Percentage Increase
Existing Dwelling	204m ²	
Permitted Development Scheme – including outbuildings	574m ²	+181% from existing
Proposed Dwelling	227m ²	+11% from existing

Figure 7

⁹ Taken from the DAS

	Lower Ground Floor	Ground Floor	First Floor	TOTAL FLOOR AREA
Existing Dwelling	125m ²	126m ²	73m ²	324m ²
Permitted Development Scheme – including outbuildings	125m ²	442m ²	73m ²	640m ²
Proposed Dwelling	174m ²	198m ²	174m ²	546m ²

Figure 8

5.4 Landscaping

5.4.1 The proposed development has been designed supported by a dedicated landscape scheme designed by Landscape Architects TPM. The intention is to protect and enhance the existing landscape within which the dwelling sits by:

- Integrating key natural features; and
- Improving the visual amenity of the site within the wider landscape

5.5 Enhancing Biodiversity

5.5.1 One of the key objectives of the design team has been to enhance levels of biodiversity with the site. To that end, a Biodiversity Enhancement Plan (prepared by Estrada Ecology) (the “BEP”) has been prepared to support the development.

5.5.2 The BEP proposes the development should:

- *Enhance roosting opportunities for bats* – by way of introducing 2 x bat boxes within the building
- *Enhance roosting opportunities for swifts* – by way of introducing 2 x swift boxes on the building
- Adopt a suitable lighting scheme such that:
 - No artificial lighting is installed adjacent to or above the bat boxes
 - External lighting is set on motion-sensors and short timers with all luminaires mounted on the horizontal

- Allow for the introduction of hedgehog highways within any fixed boundary treatments or fencing
 - Ensure that species listed on Schedule 9 of the Wildlife and Countryside Act 1981, which are known to exist on site (including Wall Cotonestor, Rhododendron and Japanese Knotweed) are not spread so as not to breach biosecurity
 - Ensure the lawn serving the dwelling is sown with a flowering lawn mixture
 - Ensure that any additional shrub and tree planting consists of species of high biodiversity value
- 5.5.3 Ultimately the proposed development will provide net gains for biodiversity within the site.
- 5.5.4 The Applicant is content to adhere to the BEP recommendations and for the BEP enhancement measures to be included within the detailed landscape scheme/otherwise within the design.

5.6 Access

- 5.6.1 The proposed dwelling will continue to be served off Peacock lane as at present and ample parking and manoeuvring space is set to be provided within the site as evidenced within the drawing package.
- 5.6.2 There will be no net effect on highway safety over and above that currently associated with the dwelling that exists.

5.7 Design – Summary

- 5.7.1 The proposed development will deliver a beautiful and sustainable piece of architecture within a landscaped setting which, when taken together, will contribute to and enhance the natural and local environment.

6 PLANNING CONTEXT

6.1 Adopted Development Plan

- 6.1.1 The adopted development plan for the Borough of Rochdale is made up of the Core Strategy (adopted 2016); the Greater Manchester Joint Waste Development Plan; the Greater Manchester Joint Minerals Plan; and the Rochdale Borough Unitary Development Plan and Policies (adopted 2006), taken together referred to as the Development Plan (the “DP”). The site is located within the Green Belt and the Lake is classed as a Recreational Management Area and a Site of Ecological and Geological/Geomorphological Importance. For the purposes of planning policy the site is classed as Previously Developed Land (“PDL”).



Extract from the Local Authority's Policies Map showing extent of Green Belt Designation

6.2 Policies Relevant to the Matter in Hand

- 6.2.1 The policies that are material to the determination of the application for the proposed development are those listed at **Annexe A**. The range of policies weighed in the balance for the purposes of the PS are limited to those that apply to PDL, in a context where there

exists a dwelling on the site, where the development proposes its replacement; and where the policies are not considered to be out of date.

6.2.2 In summary the following DP policies are considered to be directly relevant:

- SO3 To improve design, image and quality of place SO3
- SO4 To promote a greener environment SO4
- C1 Delivering the right amount of housing in the right places
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development
- G1 Tackling and adapting to climate change
- G2 Energy and New Development
- G4 Protecting Green Belt
- G7 Increasing the value of biodiversity and geodiversity
- DM1 General development requirements
- G/SP/2 Rural Protection and Regeneration
- G/D/2 Green Belt
- BE/2 Design Criteria for New Development
- BE/8 Landscaping in New Development
- NE/2 Designated Sites of Ecological and Geological/Geomorphological Importance
- NE/3 Biodiversity and Development
- NE/6 Landscape Protection and Enhancement
- NE/8 Development affecting Trees, Woodlands & Hedgerow

- 6.2.3 The specific objectives of the policies outlined in Paragraph 6.2.2 above, in so far as they are relevant to the development proposed, are highlighted within Annexe A.

6.3 Relevant Policy Context – Green Belt Status

- 6.3.1 As stated, the site is located within the Green Belt. Existing Green Belt policy contained within the UDP departs significantly from the objectives of the NPPF as it relates to the Green Belt and is therefore be considered to be out of date.

- 6.3.2 The most up to date planning policy for the Local Authority area, in so far as it relates to development within the Green Belt, is that contained within the National Planning Policy Framework 2024 (the “NPPF”).

- 6.3.3 The purposes of including land within the Green Belt is explained from **Paragraph 142** of the NPPF; these (text placed in bold by the author for emphasis) are as follows:

- 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 urban land*

- 6.3.4 It is understood that land containing the site has been included within the Green Belt designation so as to ‘safeguard’ the countryside from encroachment.

- 6.3.5 When determining whether to allow development in the Green Belt, a balancing exercise must be carried out, where the benefits of granting planning permission are weighed against any harm.

- 6.3.6 Substantial weight is given to any harm that might arise to the Green Belt, including harm to its ‘openness’, as per **Paragraph 153** of the NPPF.

- 6.3.7 There is no definition of openness in planning policy, but the courts have decided that it should be taken to mean the 'state of being free from development'.
- 6.3.8 When assessing the effect of development on the openness of the Green Belt, there are two aspects to consider:
- i. The spatial aspect – physical effect
 - ii. The visual aspect – visual effect
- 6.3.9 According to **Paragraph 153**, new buildings in the Green Belt are classed as inappropriate development and by definition harmful to the Green Belt, and *should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*
- 6.3.10 Planning policy is clear, development in the Green Belt is inappropriate unless certain exceptions apply. Those exceptions are listed at **Paragraph 154** of the NPPF, and they extend to development (text placed in bold by the author for emphasis) that:
- a) would deliver buildings for agriculture or forestry
 - b) provide appropriate facilities, including buildings, for outdoor sport or recreation, cemeteries, 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) would involve the extension or alteration of a building provided the extension or alteration is not disproportionate
 - d) **would result in the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces**
 - e) would comprise *limited infilling in villages*

f) **would comprise *limited infilling or the partial or complete redevelopment of previously developed land ... which would not cause substantial harm to the openness of the Green Belt.***

g) Would comprise:

- i. *Mineral extraction*
- ii. *Engineering operations*
- iii. *Local transport infrastructure*
- iv. *The re-use of buildings provided that the buildings are of permanent and substantial construction*
- v. *Material changes in the use of land (such as changes of use for outdoor sport and recreation, or for cemeteries and burial grounds); and*
- vi. *Development brought forward under a Community Right to Build Order of Neighbourhood Development Order*

6.3.11 Of those development types listed above, those referred to in **Paragraph 154 subsections d) and f)** have the potential to be employed to justify development within the site.

6.3.12 In the case of development under **Paragraph 154 subsection d)**, and as stipulated, a replacement building cannot be larger than the one it replaces. However whilst the provisions of the policy expect that any replacement building should be in the same use as the building it replaces, local authorities are not opposed to supporting applications for a change of use alongside an application for a proposal to replace a building in the Green Belt.

6.3.13 On the matter of **Paragraph 154 f)**, the test is that development should not cause substantial harm to the Green Belt.

6.3.14 Importantly, following recent amendments to the NPPF, there is also now scope to deliver housing, commercial and other development in the Green Belt, provided certain criteria

apply. These are set out within **Paragraph 155** of the NPPF and (with text placed in bold by the author for emphasis) are as follows:

- a) ***The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*** [meaning land within the administrative boundary of the Local Authority];
- b) *There is demonstrable unmet need for the type of development proposed – and this extends to the provision of open market housing where a local authority cannot meet specific housing targets (namely by failing to provide evidence that there is a five year supply of deliverable housing sites)*
- c) *The development would be in a sustainable location with particular reference to paragraphs 110 and 115 of the NPPF; and*
- d) *Where applicable [major]¹⁰ development ... meets the ‘Golden Rules’ set out in paragraphs 156 and 157 of the NPPF.*

6.3.15 For development under Paragraph 155 to be acceptable, it must meet all of the tests in Paragraph 155(a) to (d).

6.4 The Site and Grey Belt

6.4.1 The concept of ‘grey belt’ land is new to planning. It was introduced into planning policy in December 2024. According to the NPPF (Glossary, Annexe 2), grey belt is land:

In the Green Belt comprising previously developed land and/or any other land in the Green Belt that, in either case, does not strongly contribute to any of purposes otherwise used to justify including land within the Green Belt (see Paragraph 2.1.3).

6.4.2 It is considered the site does not fall within the definition of grey belt for the purposes of Green Belt policy. Therefore, noting that the site fails to meet the test set out in Paragraph 155(a) it follows that it cannot meet the tests in Paragraph 155(b) to (d).

¹⁰ For the purposes of planning policy the term major housing development is taken to mean development of more than 10 houses.

6.5 Summary Position on Green Belt Policy

- 6.5.1 In summary, in the context of Green Belt policy, and specifically Paragraph 154(d) there is support, in principle, for development including by way of the provision of a replacement dwelling. Under Paragraph 154(f), there is support, in policy terms, for redevelopment of the site.
- 6.5.2 Determinative in the consideration of any development under Paragraph 154(d) of the NPPF is whether the replacement dwelling is set to be *materially larger* than the one it replaces.
- 6.5.3 As to the matter of development under Paragraph 154 (f), this must not result in *substantial harm* to the openness of the Green Belt.
- 6.5.4 It has already been established that the proposed development would be materially larger than the dwelling it is set to replace and so would not comply with the provisions of Paragraph 154(d).
- 6.5.5 Turning then to Paragraph 154(f), the proposed development would comprise redevelopment of PDL. The test therefore is whether or not there would arise substantial harm to the openness of the Green Belt.
- 6.5.6 The proposed development would result in a limited uplift in built footprint across the site over and above the existing dwelling (11%), although it would result in a building with a volume that is substantially larger than the existing dwelling (by some 80%).
- 6.5.7 The question therefore arises to what visual effect on the openness of the Green Belt.
- 6.5.8 The existing dwelling, which is of late 20th Century origin, has already been altered and extended in a piecemeal fashion over its lifetime; and sits in a landscape setting that, whilst cultivated, is relatively sterile. The dwelling combined with its setting is, at best, an unattractive feature in the landscape, a detractor; one that is still capable of being added to and altered enabling the built footprint to sprawl even further across the site (as evidenced within the revised CLD, there is scope to add, at least, an additional 181% in terms of built footprint within the site) leaving substantially less of the site area in the 'state of being free from development'.

6.5.9 The proposal would result in the replacement of the existing dwelling with a high quality piece of sustainable architecture contained within a designed, enriched, landscape setting, helping to drawing a line under the unwelcome accretion of the existing dwelling.

6.5.10 The findings of the LVIA have determined that the overall visual effect of the development proposed on the landscape, across all of the receptors measured within the Study Area, would, at worst, be slight-moderate. As such the impacts cannot be described as notable or significant, and certainly not substantial, which is the test in Paragraph 154(g) of the NPPF.

6.5.11 Overall, in terms of impact on openness on the Green Belt, the LVIA concludes that:

Although from locations close to the site the change to the dwelling may be recognizable this is not considered a change to the openness of the Green Belt which largely remains as the existing position but is significantly reduced in its impact than the revised CLD.

6.6 Very Special Circumstances

6.6.1 As per Paragraph 153 of the NPPF, and as stated within Section 6.3 of the PS, *when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development ... should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

6.6.2 In this case, the revised CLD represents a fallback position and therefore a very special circumstance ("VSC"). As such, even if it was to be found that the development proposed did not comply with the objectives of Paragraph 154(g), the matter of its effect on the openness of the Green Belt must be considered against the effect of the revised CLD on the openness of the Green Belt.

6.6.3 In spatial terms (footprint, volume and floor area) the revised CLD would be substantially greater than the proposed development measured against the same indicators.

- 6.6.4 In terms of its visual effect on the wider landscape, the quality of the revised CLD cannot be controlled and there could be no improvements secured to the landscaped setting in tandem with the revised CLD. According to the LVIA, when experienced in views (including the receptors), from the north and east, the extent of the area of the site developed in association with the revised CLD would have a greater visual effect than the proposed development.
- 6.6.5 The Applicant considers that the VSCs are such that they outweigh any potential harm to the openness of the Green Belt.

7 PERFORMANCE AGAINST DEVELOPMENT PLAN POLICIES

7.1 Principle Takeaways from the DP

7.1.1 In summary, and specifically in so far as it is relevant to the matter in hand, the DP, when read as a whole, expects development within the site to:

- be of a high quality in terms of its design
- sit in an appropriately designed landscaped setting
- be sustainable
- protect the borough's landscape character and its distinctiveness
- protect or enhance the borough's biodiversity/geodiversity
- retain existing trees and other landscaping features of note

7.1.2 As evidenced in earlier sections of the PS, the development proposed complies with the wider objectives of the DP.

8 OTHER MATERIAL CIRCUMSTANCES

- 8.1.1 As per paragraph 39 of the NPPF, decision taking should be approached in a positive way, and local authorities should apply the presumption in favour of development when assessing and determining development proposals.
- 8.1.2 Paragraph 7 of the NPPF clarifies that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 8.1.3 Paragraph 8 of the NPPF, defines sustainability as having three limbs - social, economic and environmental. Those limbs are mutually dependent such that a decision taker should not focus on one of the requirements of sustainable development at the expense of another. The question is, when considering whether the development is sustainable, it can be so described, taking all three limbs into consideration.
- 8.1.4 In line with Paragraph 124 of the NPPF, *planning ... decisions should promote an effective use of land in meeting the need for homes and other uses whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.*
- 8.1.5 According to Paragraph 131 of the NPPF, *the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
- 8.1.6 Paragraph 187 of the NPPF states that *planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value*
 - b) *Recognising the intrinsic character and beauty of the countryside*
 - d) *minimising impacts on and providing net gains for biodiversity*

- 8.1.7 According to Paragraph 193 of the NPPF *development whose primary objective is to conserve or enhance biodiversity should be supported; whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*
- 8.1.8 When tested against the provisions of the Paragraphs outlined above, the development performs well, contributing strongly towards the three limbs of sustainable development as expected.

9 CONCLUSION

- 9.1.1 The development proposal accords with the DP when read as a whole, and it is also supported by 'other material considerations' as explained above.
- 9.1.2 However, in the alternative, even if the Local Authority was to disagree, there are very special circumstances in this instance (namely the fallback position) that weigh heavily in favour of granting planning permission contrary to the development plan as explained above.

ANNEX A - RELEVANT DEVELOPMENT PLAN POLICIES

Document	Policy	Key Objectives (in so far as they are relevant to the matter in hand)
Core Strategy	SO3 To improve design, image and quality of place	<i>Raising design quality and promoting sustainable developments</i> <i>Protecting and enhancing ... natural assets, the special character of our countryside ... and water features</i>
	SO4 To promote a greener environment	<i>Minimising Rochdale's contribution to climate change and mitigating and adapting to its adverse effects</i>
	C1 Delivering the right amount of housing in the right places	<i>All new residential development will be expected to comply with the general Development Management criteria outlined in Policy DM1</i>
	P2 Protecting and enhancing character, landscape and heritage	<i>We will protect and enhance the borough's character, the distinctiveness of its ...countryside, and the quality of its landscapes.</i> New development will be required to: ▪ <i>Integrate successfully with the key natural features of the borough</i> ▪ <i>Take opportunities to protect and open up important views of hills and valleys</i> ▪ <i>Protect and enhance ...outstanding cultural landscapes such as ...Hollingworth Lake</i>

<i>Document</i>	<i>Policy</i>	<i>Key Objectives (in so far as they are relevant to the matter in hand)</i>
	P3 Improving design of new development	<i>We will required all new developments, including associated landscaping ...to adhere to high standards of design. The following design principles should be adhered to wherever relevant:</i> <i>• Respecting context where it is positive ... having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general</i> <i>• Minimise impact upon the environment, and help adapt to the impacts of climate change; including by re-suing existing buildings and materials ... an utilising sustainable drainage (Policies G1 and G2)</i> <i>• Design buildings and spaces so that quality and appearance can be maintained over time</i> <i>Design and access statements must include demonstration of how these design principles have been taken into account</i>
	G1 Tackling and adapting to climate change	<i>New developments will be expected to:</i> <i>a. Be zero carbon in line with national targets and definitions</i> <i>b. Adhere to the 'energy hierarchy' as outlined in policy G2</i> <i>c. Reduce CO2 emissions</i>

<i>Document</i>	<i>Policy</i>	<i>Key Objectives (in so far as they are relevant to the matter in hand)</i>
		<i>d. Address the impacts of climate change by incorporating comprehensive adaptation measures including:</i> <i>- The incorporation of ... SuDs, including ensuring that the rate of run off ... on brownfield sites is significantly reduced</i> <i>- The retention of existing trees ... and taking ... all appropriate opportunities to plant trees and other suitable vegetation on site</i> <i>- The incorporation of 'green roofs' wherever possible</i>
	G2 Energy and New Development	<i>All development [should] achieve the maximum possible reduction in demand for energy through building design ...</i> <i>1. At the design stage of new developments, every effort should be made to ensure that buildings use as little energy as possible throughout their lifetimes, using siting, orientation, layout, construction and landscaping to optimise use of natural passive systems such as solar gain and natural lighting, shading, ventilation and cooling ... Green roofs and green walls should be incorporated into developments wherever feasible</i> <i>2. Design to maximise energy efficiency, and use on-site or linked low or zero carbon technologies</i> <i>3. Use wider energy efficiency/CO2 reduction measures, which could include developer contributions, to compensate for 'residual emissions' not addressed by 1 and 2 above.</i>

<i>Document</i>	<i>Policy</i>	<i>Key Objectives (in so far as they are relevant to the matter in hand)</i>
	G4 Protecting Green Belt	<i>We will continue to protect from development the following areas of Green Belt:</i> ▪ <i>North of the borough: the Pennine rural fringe to the north and east of the borough where its primary role will be to prevent encroachment into the countryside.</i> <i>Development will be restricted to those limited types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be demonstrated.</i>
	G7 Increasing the value of biodiversity and geodiversity	<i>Development proposals which would affect a species protected by law or its habitat will not be permitted unless it can be demonstrated that:</i> <i>a. There is no adverse impact on the species concerned</i> <i>b. Damage to habitats is minimal and alternative habitat provision is effective in maintaining those species.</i> <i>We will expect development ... to:</i> <i>a. Protect and include existing biodiversity within new developments</i> <i>b. protect and enhance existing features</i> <i>c. take opportunities to promote biodiversity and create new habitats through new development using landscaping and building and construction features wherever possible (e.g. ponds, species of vegetation, green roofs and walls, bat boxes, roof space, appropriate nest boxes and landscaping)</i>

Document	Policy	Key Objectives (in so far as they are relevant to the matter in hand)
	DM1 General development requirements	<i>Development proposals... will be expected to demonstrate that they:</i> <i>a. are of high quality design and take the opportunity to enhance the quality of the area</i> <i>c. do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy</i> <i>e. provide satisfactory vehicular access with adequate parking, manoeuvring and servicing arrangements</i> <i>j. incorporate, where appropriate, high quality landscape schemes</i>
UDP	G/SP/2 Rural Protection and Regeneration	<i>The rural area will be protected and regenerated by only [allowing] development on:</i> <i>A. Previously developed sites ...where the development ... will improve or protect the environment</i> <i>Proposals ... will take account of:</i> <i>lii the impact of development on areas of recreational ... importance</i> <i>iv. The impact on the role of Green Belt and the extent to which the development contributes to the objectives for the use of Green Belt land</i> <i>v. The extent to which negative impacts can be mitigated against and positive impacts achieved</i>

Document	Policy	Key Objectives (in so far as they are relevant to the matter in hand)
	G/D/2 Green Belt	Out of date revert to NPPF
	D/4 Control of development in the Green Belt - General	Out of date revert to NPPF
	D/8 Replacement of Dwellings in the Green Belt	Out of date revert to NPPF
	BE/2 Design Criteria for New Development	<i>Development proposals will be required to demonstrate good design by:</i> <i>a). ensuring that they are compatible with or improve their surroundings by virtue of their scale, density, height, massing, layout, materials, architectural style and detail and means of enclosure;</i> <i>e). appropriate treatment of ...spaces ... around buildings, including the provision of landscaping as an integral part of the development layout;</i> <i>f). retaining key natural features, including trees, as part of the landscaping of the site</i> <i>i). making adequate provision for natural light within ... buildings</i>
	BE/8 Landscaping in New Development	<i>Amenity landscaping will be required where, in the Council's opinion, it is necessary to:</i> <i>a) Retain and integrate existing trees, planting or other landscaping features</i> <i>b) Screen or soften development from adjoining land</i>

Document	Policy	Key Objectives (in so far as they are relevant to the matter in hand)
		c) <i>Provide visual enclosure around car parking, storage or plant areas</i> d) <i>Provide a structure to the development layout to create ... a setting for individual buildings</i>
	NE/2	<i>Development proposals adversely affecting sites and areas of ecological and geological/geomorphological importance will not be permitted ... In assessing proposals, the Council will apply national policy as it relates to international, national and local (including regional) designations.</i>
	NE/3 Biodiversity and Development	<i>Developments which establish new landscaping ...that contribute to nature conservation and local biodiversity will be supported and encouraged</i>
	NE/6 Landscape Protection and Enhancement	<i>Development will be permitted where it conserves the physical and cultural attributes of the landscape and contributes as appropriate to the ...enhancement of the landscape...affected</i> <i>Proposals with potential landscape and visual implications will be assessed having regard to the extent to which they would;</i> a) <i>Make a positive contributions to the visual amenity of the area</i> b) <i>Remove incongruous landscape features</i> c) <i>Assist the conservation of:</i> <i>(iv) the visual condition of landscape elements</i>
	NE/8 Development affecting Trees, Woodlands & Hedgerow	<i>Development proposals will be permitted that do not adversely affect trees, woodland or hedgerows.</i>

ANNEX B - OFFICER REPORT FOR CLD

Application Number:	25/00308/CPL
Location:	Hollingworth Heights, Peanock Lane, Littleborough, Rochdale, OL15 0AD
Proposal:	Application for a certificate of lawfulness for the proposed erection of a two storey rear extension, 2 single storey side extensions, external alterations to existing dwelling and 2 new outbuildings, following demolition of an existing conservatory and side extension
Applicant:	Ms Olivia McKee
Case Officer:	Sam Yuen
Recommendation:	Part Grant Part Refuse

CHECKED AND SIGNED OFF BY: RK**DATE: 20/05/2025****Location**

The application relates to Hollingworth Heights, a two-storey detached dwelling located in Smithy Bridge. The property is sited within extensive grounds and faces Hollingworth Lake to the north. To the west, the property is adjacent to Queens Cottage.

Description of Proposal

Certificate of lawfulness is sought for a number of enlargements and alterations to the host dwelling, including:

- ☐ A two-storey rear extension which projects 3m from the rear elevation of the dwelling;
- ☐ Two single-storey side extensions projecting 6.5m from either side elevations of the dwelling following the demolition of the existing side extension;
- ☐ Enlargement of the existing rear flat roof dormer;
- ☐ Alteration of fenestration to the ground floor front elevation and side elevation, existing front dormer;
- ☐ Repairs to existing tiled roof; and
- ☐ Two outbuildings to the rear curtilage, one measuring 15.71m by 8.49m by 4m, and the other measuring 14.74m by 8.48m by 4m.

Is the proposal wholly within the curtilage of the dwellinghouse?	Yes
--	-----

Relevant History:

00/D37441 - Conservatory Extension To Front Of Dwelling - Grant subject to conditions

98/D35581 - Single Storey Rear Extension To Dwelling - Grant subject to conditions

Permitted Development Rights removed?	Cannot locate original permission.
--	------------------------------------

Representations

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

Legislation and Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted development rights for householders – Technical Guidance (Sept 2019)

Assessment (Class A)

Class A of Part 1 of Schedule 2 of the GPDO allows for the enlargement, improvement or other alteration of a house subject to it not being contrary to any of the following criteria:

- (a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P, PA or Q of Part 3 of the GPDO

☒ **Complies**

☐ **Does Not Comply**

- (b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

☒ **Complies**

☐ **Does Not Comply**

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which -
(i) Forms the principal elevation or
(ii) Fronts a highway and forms a side elevation of the original dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

- (f) Subject to Paragraph (g), the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or exceed 4 metres in height.

☒ **Complies**

☐ **Does Not Comply**

Note – This application proposes a two storey rear extension and paragraph (f) is therefore not applicable.

- (g) For a dwellinghouse not on article 2(3) land or a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height.

☒ **Complies**

☐ **Does Not Comply**

Note – This application proposes a two storey rear extension and paragraph (g) is therefore not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

☒ **Complies**

☐ **Does Not Comply**

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would exceed 4 metres in height, have more than a single storey or have a width greater than half the width of the original dwellinghouse; or

☒ **Complies**

☐ **Does Not Comply**

Note: The proposed east-facing side extension is located on sloping ground. For the purposes of this assessment, the height of the extension is taken in

relation to the directly facing land to the north. The height of the extension from this point measures 4m and therefore complies with criterion (j).

(ja) (any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

☒ **Complies**

☐ **Does Not Comply**

(k) it would consist of or include

- (i) the construction or provision of a veranda, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse

☒ **Complies**

☐ **Does Not Comply**

- ☐ **The plans do not include a balcony or raised platform**
- ☐ **The plans do not include the alteration of a microwave antenna**
- ☐ **The plans do not include the alteration or installation of a soil and vent pipe**
- ☐ **The plans include the alteration to part of the roof of the dwellinghouse, however, it is noted such works are may be permitted under Class B and C. Consideration of the works under Class B and C are assessed in the following sections.**

Finally, paragraph A.3 of the above order stipulates that development is permitted by Class A subject to the following conditions-

- a. The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

- b. Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be-
 - i. Obscure-glazed, and
 - ii. Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

- c. Where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Assessment (Class B)

Class B of Part 1 of the Schedule to the GPDO allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof subject to it not being contrary to any of the following criteria:

- (a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P, PA or Q of Part 3 of the GPDO

☒ **Complies**

☐ **Does Not Comply**

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

☒ **Complies**

☐ **Does Not Comply**

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and front a highway;

☒ **Complies**

☐ **Does Not Comply**

- (d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-
- (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;

☐ **Complies**

☒ **Does Not Comply**

Note: The *Technical Guidance* states “resulting roof space” takes into account any existing and proposed enlargements to the original roof space. The dwelling comprises two flat roof dormers to the front and rear roof slope and an existing conservatory extension. The proposal seeks to construct two two-storey rear extensions which projects from the original roof and enlarge the existing rear dormer. Therefore, for the purposes of this assessment, the consideration of Criterion (d) would cover all the aforementioned enlargements.

Volume of enlarged rear dormer

Height (m)	2.68
Depth (m)	2.95
Length (m)	3.85
Total (m ³)	15.22

Height (m)	2.68
Depth (m)	2.95
Length (m)	1.89
Total (m ³)	7.47

Height (m)	2.68
Depth (m)	2.95
Length (m)	2.05
Total (m ³)	8.10

$$\text{Volume} = 15.22\text{m}^3 + (7.47\text{m}^3 / 2) + (8.10\text{m}^3 / 2) = 23.01\text{m}^3$$

Volume of existing front dormer

Height (m)	3.07
Depth (m)	2.95
Length (m)	5.05
Total (m ³)	22.87

Volume of the proposed two-storey extension gables

$$\text{Volume of triangular prism} = \sim \times 4.89\text{m} \times 3.01\text{m} \times 3.26\text{m} = 23.99\text{m}^3$$

$$\text{Volume of triangular pyramid} = 1/3 \times 7.36\text{m}^2 \times 3.29\text{m} = 8.07\text{m}^3$$

$$\text{Volume of gable} = 23.99\text{m}^3 + 8.07\text{m}^3 = 32.06\text{m}^3$$

$$\text{Volume of two gables} = 32.06\text{m}^3 \times 2 = 64.12\text{m}^3$$

$$\text{Total volume} = 23.01\text{m}^3 + 22.87\text{m}^3 + 64.12\text{m}^3 = \underline{110\text{m}^3}$$

As evident in the volume calculation, the resulting roof space, excluding the conservatory roof, is far in excess of the 50m³ allowance. Therefore the proposed additions to the original roof fails to comply with Criterion (d).

(e) It would consist of or include –

- (i) The construction or provision of a veranda, balcony or raised platform, or
- (ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

☒ **Complies**

☐ **Does Not Comply**

(f) The dwellinghouse is on article 2(3) land.

☒ **Complies**

☐ **Does Not Comply**

Conditions (Class B)

Development is permitted by Class B subject to the following conditions –

- (a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

(b) The enlargement must be constructed so that –

- (i) Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension
 - (aa) The eaves of the original roof are maintained or reinstated; and
 - (bb) The edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
- (ii) Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

(c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –

- (i) Obscure-glazed, and
- (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Assessment (Class C)

Class C of Part 1 of Schedule 2 of the GPDO allows for any other alteration to the roof of the dwellinghouse subject to it not being contrary to any of the following criteria:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

☒ **Complies**

☐ **Does Not Comply**

- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof

☒ **Complies**

☐ **Does Not Comply**

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

☒ **Complies**

☐ **Does Not Comply**

- (d) it would consist of or include-
- i.the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - ii.the installation, alteration or replacement of solar photovoltaics or solar thermal equipment

☒ **Complies**

☐ **Does Not Comply**

Conditions (Class C)

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be -

- a. obscure-glazed; and
- b. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

☒ **Complies**

☐ **Does Not Comply**

☐ **Details Not Provided**

Note: The proposed development does not comprise of any window to the roof slope forming a side elevation of the host dwelling.

Assessment (Class E)

Class E of Part 1 of Schedule 2 of the GPDO allows for:

- a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;

or;

- b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

- (a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P or Q of Part 3 of the GPDO

☒ **Complies**

☐ **Does Not Comply**

- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

☒ **Complies**

☐ **Does Not Comply**

- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

(d) the building would have more than a single storey.

☒ **Complies**

☐ **Does Not Comply**

(e) the height of the building, enclosure or container would exceed—

- a. 4 metres in the case of a building with a dual-pitched roof,
- b. 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
- c. 3 metres in any other case.

☒ **Complies**

☐ **Does Not Comply**

(f) the height of the eaves of the building would exceed 2.5 metres;

☒ **Complies**

☐ **Does Not Comply**

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building

☒ **Complies**

☐ **Does Not Comply**

(h) it would include the construction or provision of a verandah, balcony or raised platform

☒ **Complies**

☐ **Does Not Comply**

(i) it relates to a dwelling or a microwave antenna.

☒ **Complies**

☐ **Does Not Comply**

(j) the capacity of the container would exceed 3,500 litres

☒ **Complies**

☐ **Does Not Comply**

Paragraph E.2 of the above order stipulates that development is permitted by Class E would not be permitted if any part of the curtilage of the dwellinghouse is within –

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site

the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

☒ **Complies**

☐ **Does Not Comply**

Paragraph **E.3** further states In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse

☒ **Complies**

☐ **Does Not Comply**

Recommendation: Part Grant Part Refuse

The proposed single-storey side extension, alterations to fenestrations, repairs to roof tiles and proposed outbuildings constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class A, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposed two-storey rear extensions and propose rear dormer extension do not constitute permitted development by virtue of non-compliance with the requirements of Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the plans indicate resulting roof space would exceed the cubic content of the original roof space by over 50 cubic metres.

Notes for applicant:

For the avoidance of doubt, the decision relates to the following drawings:-

- Location Plan and Proposed Site Plan – drawing no. P03 received 25/03/2025
- Existing Floor Plans and Elevations – drawing no. P01 received 25/03/2025
- Proposed Floor Plans and Elevations – drawing no. P02 received 25/03/2025
- Proposed Outbuildings Floor Plans and Elevations – drawing no. P04 received 25/03/2025

	Date	Officer
Report Completed	15/05/2025	Signed: SY
Authorisation		Signed:

Report Author Sam Yuen