

APPLICATION NUMBER: 23/00028/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00028/FUL	Rosalind Gralton	14 July 2023

Address: Higher Moorgate Cottage Gristlehurst Lane Heywood OL10 4BJ

Proposal: Conversion and extension of former chicken shed into single storey dwelling; demolition of existing outbuilding to form parking area and change of use of adjacent land into residential curtilage.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	N	Press Notice expired?	N

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA DATE: 21.03.24

SITE

The site relates to a single storey building, understood to be a former chicken shed, of breeze block construction with a pitched single sheet corrugated roof. The building is visibly unoccupied. The building has a pitched, catslip roof with a low eaves height.

The site is accessed to the south via an unadopted narrow lane which leads to Bury and Rochdale Old Road.

The site is entirely located within the Green Belt (G/D/2). The site is not adjacent to a heritage asset or listed building. A Public Right of Way (HeyFp100) runs north/south along the access into the site, along the eastern boundary. No trees are protected within the curtilage of the site.

PROPOSAL

The application proposes the conversion and extension of the building into a single storey dwelling. Works would include formalising the surrounding land into a residential private garden area.

As part of the extension to the building, the catslip roof would be removed and two gables and a part flat roof extension would be constructed. New openings would be introduced for windows and doors, and the existing shed door would be closed off. In order to convert the existing building, a new insulated cavity wall and external stone outer skin would be created.

A 2m high timber boarded fence is proposed along the boundary line. Gravel hardstanding, stone patio and paving is proposed. Materials proposed include artificial blue slate roof, natural stone facings and white UPVC windows and doors. Location of proposed bin storage is detailed on plans.

An outbuilding located across the lane would be demolished and two parking spaces would be created on the retained concrete base.

Submitted calculations –
Existing volume - 355.00m³
Proposed volume - 441.22m³
Volume increase - 24.29%
Existing footprint - 125.79m²
Proposed footprint - 136.56m²
Footprint increase - 8.56%

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO2 – Creating successful and healthy communities

C1 – Delivering the right amount of housing in the right places

SO3 – Improving Design, image and quality of place

P1 – Improving image

P3 – Improving design of new development

SO4 – Promoting a greener environment

G4 – Protecting Green Belt

SO5 – Improving accessibility and delivering sustainable transport

T2 – Improving accessibility

DM1 – General Development Requirements

Unitary Development Plan (UDP):

G/D/2 – Green Belt

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note ‘Guidelines and Standards for Residential Development’ (June 2016).

RELEVANT SITE HISTORY

86/D19943 – Conversion of one dwellinghouse into two – Grant subject to conditions 05/02/1987

CONSULTATION RESPONSES

Highways And Engineering

The Council’s Highways Engineers’ were consulted on the application and their comments are provided as below:

First response (01/03/2023)

‘There are a number of highway issues arising from this application that would require consideration.

Access to the site is along a narrow unadopted lane that serves as access to Higher Moorgate Farm and Higher Moorgate Cottage Although the access is not ideal for residential development based on the number of vehicles expected to use it we do not think that a refusal on residential access grounds would be sustainable.

The established junction of the access onto Rochdale and Bury Old has an adequate layout arrangement for the size of the development.

We do have some concerns regarding the potential servicing arrangements. It is apparent from the submitted plans that a standard sized refuse vehicle cannot access the development site as plans do not include any adequate turning area, however proposals include the siting of a remote bin store. This proposed store appears to be within an appropriate distance for collection from Rochdale and Bury Old Road, however residents of the proposed dwelling would have to carry a waste for collection a distance which far exceeds the 30 metres permitted distance which is a concern. This matter would need addressing prior to Highways supporting the development.

Parking provision as shown on the submitted plans is adequate for the size of the proposed dwelling and the parking arrangements are also acceptable.

We would not expect that the development would have any impact on road safety or highways capacity.

Highways would support the application if the issue of refuse collection could be resolved.'

Following the agent liaison with Highways, it was established the submission of a formal Servicing Method Statement for approval along the lines described would assist in addressing the above concerns.

Second response (17/07/2023)

'From a Highways perspective the Servicing Method Statement submitted by the applicant is now acceptable.'

Lead Local Flood Authority/Drainage

The Council's Drainage Engineer was consulted on the application and their comments are provided as below:

'No drainage details have been provided. No paving details for the driveway/parking area have been provided.

[...]

The applicant will need to provide soakaway design for the roof drainage from the new dwelling and this design will need to be based upon infiltration testing. Details of infiltration testing should be in accordance with Building Regulations Part J or BRE 365 or similar approved method.

Proximity to Public Sewerage

If any part of the building that your treatment plant serves is within 30 metres of a public sewer, the Environment Agency will not allow you to start a new discharge from a sewage treatment plant under general binding rules.

*The dwelling is located approx. 100m from a public sewer that is location on the Bury and Rochdale Road. It looks like it would be possible to gravitate sewage from a new dwelling to this sewer. The applicant will have to weigh up the cost of laying a pipe to connect to the public sewer versus the cost of a septic tank/package sewage plant with drainage field. **Full details of the selected proposal will need to be sent to the Planning Authority at Discharge of Conditions stage.***

Private Sewer Requirements

*Traditionally a soakaway is undefined hole in the ground filled with rubble or more recently rainwater crates. Soakaways for treated foul effluent **are no longer permitted**. After January 2020 regulations require that they are replaced with a 'drainage field' A Drainage Field is a series of perforated pipes laid no deeper than 700mm into the ground, in trenches 300mm to 900mm wide and backfilled with 20mm gravel (see page 2). This ensures aerobic digestion can take place which allows the effluent to be treated. The minimum area covered by a drainage field is also prescribed by building regulations and ensures adequate drainage capacity. If you want to drain to a stream, you **MUST** have a 'Packaged Sewage Plant' which provides better treatment by providing some aeration to the micro-organisms in the sewage – by the use of rotating disc(s) or an intermittent air blower. There are multiple options from different suppliers.*

If you are a small domestic site with small effluent volumes you do not need a permit from the Environment Agency, but you do need to comply with the UK Government's Environment Agency's 'General Binding Rules' <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>.

For more information, contact Suppliers and Installers of septic and packaged sewage plant. You can find them on Yellow pages or online.

Drainage Field Location – Proximity to Buildings

A packaged sewage plant or septic tank should be at least 7m away from any dwelling and any drainage field should be at least 5 meters from a building or public road and at least 2.5 meters from a property boundary.

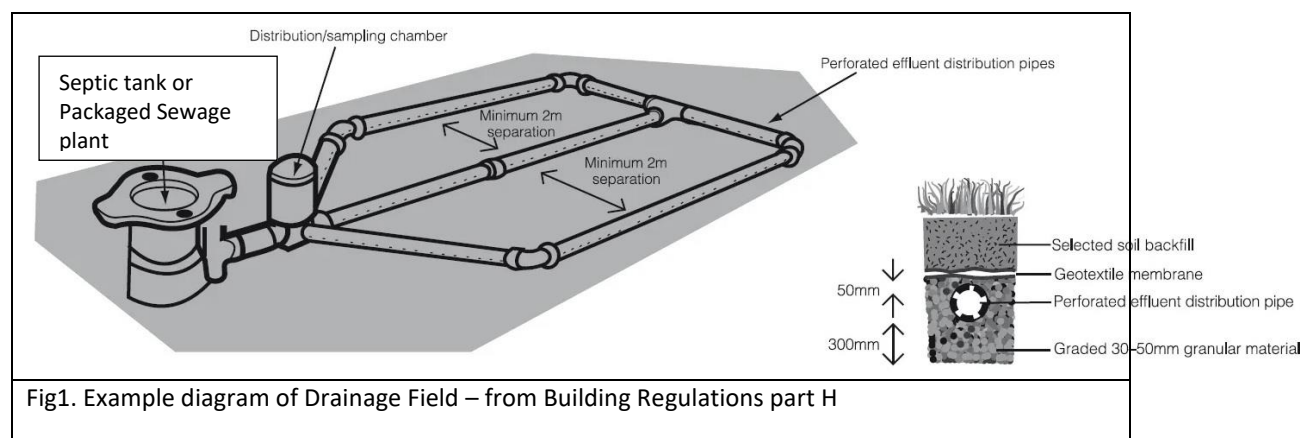


Fig1. Example diagram of Drainage Field – from Building Regulations part H

Suggested Drainage Conditions:

Drainage Conditions similar to those suggested below should be included in any Decision Notice.

Drainage Condition

'No development shall commence until a foul & surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the surface water drainage scheme shall include:

- (i) Details of gravity connection to public sewer, or details of the proposed private septic or sewage treatment plant on a dimensioned plan drawing, with adequate separation distances from dwellings, in accordance with Building Regulations Part H.
- (ii) Details of the effluent drainage field, if required. This shall be designed in accordance with Building Regulations Part H. Details of infiltration testing in accordance with Building Regulations Part H or BRE 365 or similar approved method.
- (iii) Details of the roof drainage. If using soakaways, the volume of soakaway(s) shall be designed on the basis of infiltration test results.
- (iv) Construction details for permeable paving of the driveway, if this forms part of the sustainable drainage system. Otherwise soakaway details for the driveway shall be provided, in accordance with infiltration testing results.

The duly approved scheme shall be implemented prior to the first occupation of the dwelling hereby permitted and shall be retained as such thereafter.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same'

Gtr Manchester Ecology Unit

The Greater Manchester Ecology Unit was consulted on the application and their comments are provided as below:

'Summary

The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative.

Bats

A valid bat report has been provided. The building has been assessed as having negligible bat roosting potential, I have no reason to doubt the findings of the report. The report is however becoming dated, with the consultant recommending an update after 12 months had elapsed. I am happy given this date has only just passed for this to occur via a condition along the following lines.

Prior to construction an updated bat assessment will be provided to and agreed in writing by the LPA

Nesting Birds

No evidence of birds having nested in the building was recorded. There were however trees and shrubs in close proximity to and ivy on the building potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development appears to result in the loss of trees/shrubs and the ivy present on the building. In terms of wildlife there will be a potential loss of bird nesting habitat. No replanting is shown on the proposed site layout. As mitigation I recommend hawthorn hedge is planted along at least two boundaries and one bird box provided.

Final details can be conditioned.'

Rights Of Way Officer

The Council's Public Right of Way Officer was consulted on the application:

'I have considered the papers related to planning application 23/00028/FUL and the right of way numbered HeyFp100 on our records has not been identified within the proposal, there is a question on the planning application labelled "Site Visit" the

applicant has indicated that the site cannot be seen from a public footpath however HeyFp100 runs in a southerly direction from Higher Moorgate Farm to the point where the chicken pens are located then proceeds to run easterly and continuing south east to Bury and Rochdale Old Road.

It does appear that the definitive footpath may be affected by the proposed development, can the applicant please provide information how the footpath will be accommodated.'

Building Control

No comments provided.

Environmental Control (Landfill Gas)

No comments to provide.

United Utilities

No comments received to date

Env Health - Noise/Odours

No comments received to date

REPRESENTATIONS

The application was advertised by way of site notice and neighbour notification. No comments have been received.

ANALYSIS

Principle of Development

The application site is located within the Green Belt as allocated under the Rochdale Unitary Development Plan Proposals Map. The National Planning Policy Framework, states that *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence'*.

The NPPF lists the five purposes of the Green Belt:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 154 states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the listed exceptions:

- 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; 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.

Also relevant to this application, Paragraph 155 states:

‘Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;

b) engineering operations;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.’

When considering planning applications, the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 153).

The submitted Green Belt Statement states the applicant seeks to use exception ‘(d) of Paragraph 155, which states exceptions to inappropriate development apply where in the case of the re-use of buildings where the buildings are of permanent and substantial construction, **and** the proposal would not conflict with the purpose of the green belt or cause substantial harm to the openness of the green belt.

Directly relating to the proposed extensions, Paragraph 149 (c), sets out an exception to inappropriate development, for extensions and alterations of buildings in the green belt, where it does not result in disproportionate additions over and above the size of the original building.

The application is supported by a structural survey, prepared by Healey Consulting, dated April 2022, and reviews the structural integrity of the property for conversion purposes. The survey details the external walls are built of a single blockwork skin, located on a concrete raft slab, with a single corrugated metal deck roof. The report details also that to convert the building an external skin is the preferred method of conversion however this could also be completed by internally insulating the property. The conclusion of the report states the shed could be converted into a domestic property, without the need for wholesale demolition. The Council accept the findings of this report and do not dispute the conclusion that the property can be converted without full demolition.

As part of the proposals, extensions are proposed. The agent has provided a calculation of the volume and footprint increase. The footprint increase includes the

additional footprint that would be created as a result of the external cladding and insulation. The volume increase would be derived from the increased in eaves height. The Council's Guidelines and standards for Residential Development SPD, at paragraph 5.20 states normally, 35% increase in floor space or volume over and above the original dwelling, would be considered the maximum of appropriate and not disproportionate, however caveats that the characteristics of properties and proposals vary, and therefore in some instances may be considered disproportionate. The submitted calculations show a 32.85% increase in combined volume and floorspace. In relation to the proposed extensions, these would not be considered disproportionate.

However, the converted building; irrespective of any proposed extensions, as stated in Paragraph 155 must not conflict with the purposes of the greenbelt, and must preserve its openness.

As such, the impact on openness of the green belt as a result of the proposed conversion must be assessed.

As part of the re-use of the building, the proposal would result in the domestication of the building, including introduction of new windows and door openings, a new material palette which would include an artificial slate roof, external stone cladding to all elevations, and the introduction of private residential amenity space with a 2m high timber boarded fence. The proposed alterations, together with the proposed extensions, would result in the complete visual transformation of the building from what was a derelict former chicken shed with clear agricultural appearance, to a single storey domestic dwellinghouse with private amenity space and formalised residential curtilage and associated paraphernalia, and would introduce features that are harmful to the visual element of openness. Thereby, the intrinsic character of the existing building would be lost. Spatially, the proposal would convert a much larger area of land than just the chicken shed, and would convert what is protected green belt land, into a residential curtilage. Visually, the domestication of the building, including addition of boundary treatments and parked vehicles would be an undoubtedly urbanising effect and fail to comply with the five purposes of the Green Belt, as set out in paragraph 138 of the Green Belt. Furthermore, the property, its curtilage and the parking area would be visible from the approach to Higher Moorgate Cottage and Higher Moorgate Farm further north up the lane. The cumulative impact of the proposals conversion via external cladding, increase in overall height, and creation of the domestic setting, would cause visual and spatial harm to the openness of the green belt, and fails to meet the exception outlined in Paragraph 155 (d).

Therefore, the proposed dwelling would be inappropriate development in the Green Belt. Such development is, by definition, harmful and would be contrary to Policy G4 of the Core Strategy, Saved Policy G/D/2 of the UDP, and the NPPF, which seeks, amongst other things, to protect the green belt. No very special circumstances have been demonstrated by the applicant to outweigh this harm. The resultant harm should be given substantial weight.

Visual amenity / Character of the countryside

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape

setting, while not preventing or discouraging appropriate innovation or change. Paragraph 139 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Policy P2 states that the Council will protect and enhance the Borough's character, including the quality of its countryside. New development is required to integrate successfully.

The site has an open, rural character and is bordered by open agricultural land. The site is in a prominent location with clear views from the PROW on the unadopted access lane.

The proposed dwelling would be clad in natural stone, however it would have a roof covering of artificial blue slate. Windows and doors would be in white UPVC. A 2m high timber boarded fence would be erected along the curtilage of the building. Hardstanding including stone patio is also proposed although this is limited.

The proposed extensions, coupled with the proposed alterations to the existing building, would result in the appearance of a suburban bungalow, with little resemblance to the simple former agricultural building. The proposed timber fence and formalised residential curtilage, would add to the domestication of the plot and remove any trace of its former resemblance from an agricultural outbuilding. Artificial slate is not acceptable in a rural location – natural slate is required. Timber windows are required again in a rural location. The roof form of the new dwelling is overly fussy and complicated and not reminiscent of simple rural and agricultural buildings.

In terms of the materiality of the proposed building, the proposal, in reference to the position of existing openings and how these would be removed or retained, the proposal would remove any evidence of previous shed doors, and is not designed to sensitively convert the building into a dwelling within the green belt. The proposed building would not be in keeping with the property's original form, and would detract from the setting of the green belt.

Taken as a whole, the proposed dwelling has an excessively busy appearance displaying evident domestic characteristics which are entirely at odds with the rural character of the area. The development is poor design and is therefore contrary to policies P1, P2 and P3 of the adopted Rochdale Core Strategy and the NPPF.

Access and highway safety

Policy T2 of the Core Strategy requires that development comply with the Council's car parking standards and policy DM1 requires that development provides satisfactory vehicular access with adequate parking, manoeuvring and serving arrangements, taking into account the proposed use and location. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Council's Highways Engineers' were consulted on the application and their comments, while initially raised servicing concerns, these concerns were satisfied following the servicing method statement submission.

Initially concerns were raised by Highways Officer's regarding the servicing arrangements. Subsequently, a servicing method statement was submitted by the agent on behalf of the applicant, which was since approved by Highways and resolved their concerns regarding this. It is acknowledged concerns were raised regarding the access to the site by highways, however it is not considered the

vehicles accessing this site would be unacceptable, and the case officer concurs with the highways conclusion the proposal would not result in any unacceptable impact on highways safety or capacity.

It is acknowledged a Public Right of Way runs to the east and north of the site. The Public Right of Way Officer was consulted and their response requests further details as to how the footpath would be accommodated. In the instance the application was approved, the further details would have been requested from the applicant.

Ecology and Arboriculture

Paragraph 180 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline. Policy G6 of the adopted Core Strategy expects development proposals affecting green infrastructure to avoid the loss of existing features such as trees unless suitable alternative provision is made or they have limited value. Core Strategy policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

A bat survey and bird nesting survey were submitted with the application. The Council's Ecological Officers were consulted on the application. No significant issues regarding protected species were identified. In the event the application was approved, conditions securing an updated bat assessment prior to construction would be secured, nesting bird condition, and a condition to secure biodiversity enhancements including a hawthorn hedge and bird boxes.

It is noted some trees are located to the rear perimeter of the site. In the instance the application was approved an Arboricultural Impact Assessment would have been requested from the applicant and subsequently consulted on and addressed.

RECOMMENDATION: Refuse

1. The proposed development would constitute inappropriate development in the Green Belt which is harmful by definition, and would additionally lead to a significant loss of visual and spatial openness of the site. No very special circumstances exist to clearly outweigh the harm by reason of inappropriateness and the additional harm. The proposal is therefore contrary to policy G4 of the adopted Rochdale Core Strategy, saved policy G/D/2 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.
2. The proposed development, by reason of its materiality, boundary treatments, fenestration and roof form altogether constitutes poor design, which is harmful to the rural character of the countryside. Accordingly the development is contrary to Policies P1, P2 and P3 of the Core Strategy and the National Planning Policy Framework.

Procedure Statement

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

Notes for Applicant:

None

Report Author Rosalind Galton