

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01380/FUL

CASE OFFICER

Bob Melling

DETERMINATION DATE 30.09.2024 EXT OF TIME 02.10.2024

Address: Land To The Rear And Side Of 40 Doctor Fold Lane, Heywood, OL10 2QE

Proposal: Retrospective application for resurfaced parking area, B8 equipment store and change of use of garage to B1 office space including installation of roof lights.

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

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?	NA
-----	--	----

CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
----------------	--------

CHECKED AND SIGNED OFF BY: RC

DATE: 01.10.2024

SITE

The application relates to an irregular parcel of land accessed via Doctor Fold Lane in Heywood. It is located to the north of the M62 in an area of Green Belt as defined by PfE Policy JP-G9. Surrounding uses include a row of terraced dwellings on Doctor Fold Lane (nos. 34-48) which abut the site boundary to the southwest, a car sales/repair garage fronting onto Manchester Road to the east and several industrial units located across Doctor Fold Lane to the south. Two buildings are located within the application site: (1) a single-storey, detached garage currently being used as a commercial office and (2) a large, rectangular, blockwork and profiled metal clad building currently being used as an equipment store. The latter building is bound by open farmland to the north, east and west. Whilst the site itself is relatively flat, ground levels rise to the south and west of the site to form embankments marking the boundaries with adjacent fields. A row of trees to the south of the equipment store provide a degree of screening when the site is viewed from Doctor Fold Lane.

PROPOSAL

Permission is sought for the change of use of a residential garage to a commercial office (Class B1) including the addition of two roof lights, the erection of an equipment store (Class B8) and the resurfacing of an area of soft landscaping (approx. 110m²) to create an area of hardstanding for use as a staff parking area. The parking area, office and equipment store are linked by an existing hardstanding access road through the site and are used by 'FT Surfacing', a local groundworks business.

RELEVANT PLANNING POLICY

National

National Planning Policy Framework (NPPF) – December 2023
National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE):

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-S1	Sustainable Development
JP-J1	Supporting long term economic growth
JP-J2	Employment Sites and Premises
JP-P1	Sustainable Places
JP-S4	Flood Risk and the Water Environment
JP-G9	The Green Belt

Local

Adopted Rochdale Core Strategy (CS):

The Rochdale Core Strategy was adopted on 19th October 2016. The following policies are relevant:

P3	Improving design of new development
G4	Protecting Green Belt Land
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution
DM1	General Development Requirements
T2	Improving Accessibility

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

24/00257/AGR Prior approval for the erection of an agricultural building
Refuse for the following reason:

The proposal does not benefit from permitted development rights under Schedule 2, Part 6, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) as Part 6, Class B of the GPDO does not allow the development of new buildings, the agricultural unit is stated to be less than 0.4ha. This fails to meet the requirements set out in the GPDO. The application has not demonstrated that the proposal, that being the agricultural building is reasonably necessary for the purposes of agriculture. Part 6 Class b does not permit new buildings, the building is in situ and this contradicts information within the application.

CONSULTATION RESPONSES

Highways And Engineering

No objections.

Lead Local Flood Authority/Drainage

No comments received to date.

Env Health - Noise/Odours

No objections.

GM Ecology Unit

No comments received to date.

REPRESENTATIONS

The application was publicised by way of neighbour notification and a site notice. No representations were received in response to the proposed development.

ANALYSIS

Principle of Development - Green Belt

PfE Policy JP-G9 seeks to restrict development within the Green Belt to the limited types of development which are deemed appropriate by national planning policies unless very special circumstances can be demonstrated.

The revised NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, with a number of specific exceptions as assessed below.

The current application seeks to regularise the erection of an equipment store, the change of use of a residential garage into a commercial office and the formation of approximately 110m² of hardstanding for the purposes of staff parking including the storage of vehicles used by the applicant overnight. Therefore, consideration has been given to whether the proposed development could fall within any of the exceptions set out in paragraph 154 of the Framework as detailed below:

- a) *buildings for agriculture and forestry* – It is stated in the 'Green Belt Assessment' that the equipment store was built several years ago for the purposes of agriculture. However, the current application seeks regularisation for the building in its current use, which is as an equipment store for a groundworks and surfacing company. As such, there is no association with either agriculture or forestry and there is also no planning permission for an agricultural or forestry building on the site.
- 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* - Not applicable.
- 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* – The alterations to the existing garage, namely the addition of two rooflights, are considered to comply with exception c).
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces* – Not applicable.
- e) *limited infilling in villages* – Not applicable.
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)* – Not applicable.
- 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* - The land on which the equipment store and hardstanding for staff parking are sited is considered to be greenfield, having not been previously developed (Figure 1).

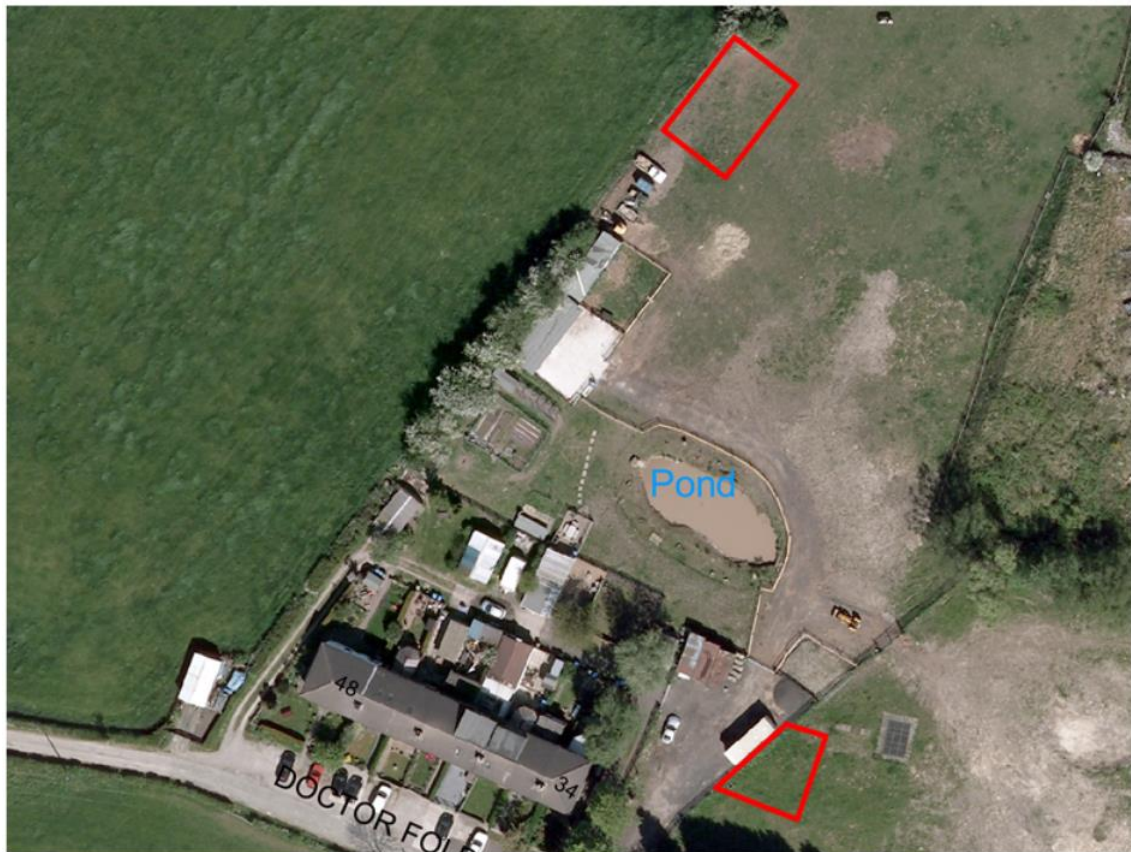


Figure 1 - Aerial photograph (2011) including indicative outline of proposed equipment store and parking area

Paragraph 155 sets out that 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 include material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) and the re-use of buildings provided that the buildings are of permanent and substantial construction.

While the formation of hardstanding for the purposes of car parking represents a material change in the use of land, it is considered that this would conflict with the purposes of including land within the Green Belt. Paragraph 143 sets out that the Green Belt should assist in safeguarding the countryside from encroachment. The proposed hardstanding would result in the loss of an area of soft landscaping measuring approximately 110m². It would appear harsh and industrial in nature and would be unacceptable in principle by virtue of comprising inappropriate development in the Green Belt.

For the avoidance of doubt, the change of use of the existing garage is not considered to constitute inappropriate development in the Green Belt. The NPPF allows for the re-use of buildings provided that the buildings are of permanent and substantial construction. The re-use of the existing garage would have no greater impact on the openness of the Green Belt and would comply with inappropriate development exceptions c) and g).

A Court of Appeal judgement in *Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government* establishes that 'any other harm' in paragraph 153 of the Framework includes non-Green Belt harm that is to be taken into account in the weighing exercise of the planning balance as to determining whether or not very special circumstances exist which would clearly outweigh the harm to the Green Belt by inappropriateness and any other harm.

This Court of Appeal judgment is an important reminder that under paragraph 153 of the NPPF, when considering any planning application concerning proposed development in the Green Belt, local planning authorities should continue to ensure that substantial weight is given to harm to the Green Belt and any other harm.

Character and Appearance

Section 15 of the revised NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of landscapes.

Paragraph 135 states that development should be “sympathetic to local character and history, including the surrounding built environment and landscape setting.” Paragraph 139 states that “development that is not well designed should be refused.” Paragraph 150 states that in the Green Belt local planning authorities should look for opportunities to “retain and enhance landscapes, visual amenity and biodiversity.”

PfE Policy JP-P1 requires new development to be distinctive with a clear identity that: “Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.”

CS Policy P2 states that the Council will protect and enhance the Borough’s character and countryside and the qualities of its landscapes, by requiring new development to integrate successfully with the key natural features of the borough, and take opportunities to protect and open up important views of hills and valleys.

It is noted that the proposed equipment store would be somewhat screened from public viewpoints due to its siting to the rear of the existing buildings and the undulating landform. However, it is nevertheless considered that the proposed building would have a detrimental impact on the landscape and visual amenity of the surrounding area as a result of its scale and height. Moreover, it is considered that the proposed hardstanding would give a large-scale, almost industrial overlay to the landscape.

The proposal would therefore conflict with PfE Policy JP-P1, CS Policy P2 and the NPPF in respect of visual impact.

Residential Amenity

Paragraph 191 of the NPPF also states that “planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”

CS Policies DM1 and G9 seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents/users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution.

There is a row of terraced dwellings which abut the application site to the southwest. It is noted that the proposed office would have three full-time employees and the opening times would be Monday – Friday: 09:00 to 17:00. The proposed equipment store would be located to the north of the application site, approximately 85m away

from the nearest residential dwellings, and the proposed parking area would measure approx. 16m from the rear garden of no. 34 Doctor Fold Lane.

The Council's Environmental Health Officer was consulted on the proposals and raised no objections. The business would operate during reasonable hours of the day with only three full-time employees, while the equipment store and parking area would be located a suitable distance away from the row of terraced dwellings.

The proposal is therefore considered to be acceptable in regards to its impact on the amenity of neighbours, in accordance with the requirements of CS Policies DM1 and G9 and the NPPF.

Highway Safety

CS Policy T2 establishes that "in all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through."

The Council's Highways Officers were consulted on the application and raised no objections. As such, it is considered the proposal provides adequate off-street parking so as not to displace parking on to the highway, in accordance with CS Policy P2 and the NPPF.

Drainage

CS Policy requires development proposals to prevent an increased risk of flooding and to ensure the satisfactory disposal of surface water. This includes the incorporation of appropriate measures for the management of surface and flood water, including Sustainable Urban Drainage Systems (SUDS).

Although the site is not within an area at increased risk of flooding, the application proposes a substantial amount of hardstanding, with no details provided regarding drainage or permeability. To avoid increase risk of flooding, if approval was recommended for the application it is considered that additional information regarding the drainage of this area would be required through condition and subject to the submission of acceptable details, the hardstanding would be compliant with the requirements of CS Policy G8 and the NPPF.

Other Matters: Biodiversity Net Gain

BNG became a mandatory requirement for new planning applications for major development on 12 February 2024 and for small sites on 2 April 2024. The current application was submitted on 20 December 2023, therefore BNG does not apply.

For any future planning applications, a BNG metric would be required.

Very Special Circumstances

As detailed above, the proposed equipment store and hardstanding would not fall within any of the exceptions to inappropriate development in the Green Belt as set out in the NPPF. No very special circumstances have been set out that would outweigh the harm to the Green Belt caused by inappropriateness, plus the other identified harm, that being harm to openness and harm to visual amenity. The application must be considered as a whole and the recommendation is for refusal.

RECOMMENDATION

Refuse for the following reasons:

1. The proposed equipment store and parking area constitute inappropriate development in the Green Belt and would be harmful to the openness of the Green Belt and the purposes of including land within it. In addition, the equipment store and parking area would cause unacceptable harm to the character and appearance of the area. No very special circumstances exist that would clearly outweigh the substantial harm caused by reason of inappropriateness and the other identified harm. The proposed development is therefore contrary to policy JP-G9 of the Places for Everyone Joint Development Plan, policies, P1, P2, P3, G4 and DM1 of the adopted Rochdale 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:

INFORMATIVE:

For the avoidance of doubt this decision relates to the following plans:

- Location Plan. Dwg no. 2345-01
- Pre-Development Site Plan. Dwg no. 2345-02
- Existing Site Plan. Dwg no. 2345-03
- Proposed Site Plan. Dwg no. 2345-04
- Existing Garage changed to Proposed Office. Dwg no. 2345-04
- Equipment Store. Dwg no. 2345-05
- Parking Plan. Dwg no. 2345-07

Report Author Bob Melling