

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01329/FUL	Majid Mir	5 December 2023

Address: Burnedge House Broad Lane Rochdale OL16 4QL

Proposal: Change of use of land to form extension to existing curtilage; erection of garage/store and demolition of existing timber outbuilding

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

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	Y
	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/A
-----	--	-----

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

RECOMMENDATION	Refuse
----------------	--------

CHECKED AND SIGNED OFF BY: RG

DATE: 8 December 2023

SITE

The application site is located on the western side of a rough surfaced road leading north east from Broad Lane/Rochdale Road and giving access to a number of properties including Moorgate East Farm, Burnedge House and Burnedge Farm. These properties are all situated to the west of the access road and take the form of an isolated strip of development extending into the open countryside. The application site is directly in front of Burnedge House. When viewed from Broad Lane, the application land is between Burnedge House and Moorgate East Farm. To the north and south of the site is open countryside.

Burnedge House itself is an attractive 19th century house constructed of coursed sandstone with dressed ashlar details. The property is recognised as a non-designated heritage asset due to its architectural and historical values. The house adjoins Burnedge Farmhouse, an early 17th century Grade II listed building.

The supporting report states that the historically the area between the existing outbuilding and the Broad Lane, and land to the south to the boundary with the adjoining property has been used as an access/circulation area.

PROPOSAL

Permission is sought for the erection of a double garage constructed of natural stone and slate. The proposed garage would be sited partially within the footprint of an existing outbuilding and slightly closer to Broad Lane than the existing outbuilding. The existing outbuilding is situated outside of the front garden and residential curtilage of Burnedge House. The existing outbuilding would be demolished. The proposed garage is approximately 37sqm whereas the existing outbuilding is 37.4sqm.

The application also seeks consent for the change of use of the wider area of land within which the proposed garage would stand to an extension of the domestic curtilage. The area measures approximately 19m x 16m and runs alongside Broad Lane to the south-west of the existing front garden. Vehicular access to the garage would be provided from an existing agricultural entrance.

The location plan submitted shows the red line covering land that fronts Broad Lane. The existing garage which would be demolished is mainly positioned outside of this red line boundary, but wholly within land in the ownership of the applicant. The land to the rear and to the side (Burnedge House) is owned by the applicant.

Hardstanding, stone wall and gate have been constructed across the front. These works are unauthorised.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO3
P2

Improving design, image and quality of place
Protecting and enhancing character, landscape and heritage

P3	Improving design of new development
SO4	Promoting a greener environment
G4	Protecting Green Belt
SO3	Improving design, image and quality of place
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
DM1	General Development Requirements
SD1	Delivering sustainable development
SO5	Improving accessibility and delivering sustainable transport
T2	Improving Accessibility
G8	Managing water and flood risk
G9	Reducing the impact of pollution, contamination and land instability

Unitary Development Plan (UDP):

G/D/2 Defined Urban Area

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

88/D21759 - Infilling Of Land to Form Two Football Pitches – Refusal

12/55785/OUT - Outline application with all matters reserved for the erection of one bungalow with associated double garage – Refused – Appeal dismissed. Reason for refusal:

1. The proposed dwellinghouse does not fall within any of the categories of appropriate development in the Green Belt identified in the National Planning Policy Framework and Unitary Development Plan (UDP) policy D/4 (Control of Development in the Green Belt - General). Therefore, the proposal represents inappropriate development in the Green Belt and is unacceptable in principle. Inappropriate development is, by definition, harmful to the Green Belt and the purposes of including land in it. The site is a densely vegetated parcel of land with a prominent frontage onto Broad Lane and occupies a rural setting viewed in conjunction with open farmland to the east (front) and west (rear). The proposed dwellinghouse would conflict with the openness of the Green Belt and would injure visual amenity in the surrounding landscape. The applicant has failed to demonstrate any very special circumstances to justify this inappropriate development and the harm that it would cause. The proposal is therefore contrary to the requirements of UDP policy D/4 (Control of Development in the Green Belt - General) and guidance contained within the National Planning Policy Framework. As a result, the proposal does not comprise sustainable development and the presumption in favour of it should not apply.
2. The applicant has failed to make provision for recreational open space for the proposed development as required by Unitary Development Plan policy H/6 and its associated Supplementary Planning Document: 'Provision of Recreational Open Space in New Housing'.

17/00413/FUL - Change of use from agricultural land to extension to private garden, including demolition and replacement of existing detached garage - Withdrawn

20/00767/FUL - Change of use from agricultural land to extension to private garden, including demolition and replacement of existing detached garage – Refused.

Reason for refusal:

1. The proposed change of use of land to provide an extension to the residential curtilage constitutes inappropriate development within the Green Belt, as it would not preserve its openness and conflicts with the purposes of including land within it. No very special circumstances exist that would clearly outweigh the harm caused by reason of inappropriateness. The proposal is therefore contrary to policies G4, P2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
2. The proposed detached garage constitutes inappropriate development within the Green Belt and would not preserve its openness. No very special circumstances exist that would clearly outweigh the harm caused by reason of inappropriateness. The proposal is therefore contrary to policy G4 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

22/01328/HOUS - Single storey side extension including Juliet balcony on side elevation – Granted subject to conditions.

CONSULTATION RESPONSES

Highways And Engineering

It would appear that vehicular access into this site is well established and the application form indicates that parking provision remains unchanged

The development creates no road safety or highway capacity issues.

Servicing for the existing dwelling would remain unchanged.

Highways raise no objection to this application and requests no specific planning conditions.

Conservation And Design

No objections subject to amendments to door details and samples of materials

REPRESENTATIONS

Letters of notification were sent to neighbouring properties, site notices were placed in the vicinity of the site and a press notice was released. No responses have been received.

ANALYSIS

Heritage and design

Burnedged House is an attractive 19th century house constructed of coursed sandstone with dressed ashlar details. The property is recognised as a non-designated heritage asset due to its architectural and historical values. The house adjoins Burnedged Farmhouse, an early 17th century Grade II listed building.

The existing outbuilding is not of any particular architectural or historic interest. Additionally, in terms of its materiality and design, the existing outbuilding does not make a positive contribution to the local area and therefore the Conservation Officer raised no objection to the removal of the existing outbuilding.

The proposed garage would be a single store structure like the existing outbuilding. The proposed garage will differ in its siting, orientation and design. The plans show that the footprint of the proposed garage would be similar, with the existing outbuilding have a slightly smaller footprint. The proposed garage is approximately 37 sqm., whereas the existing outbuilding is 37.4sqm.. The proposed garage would be rotated 90 degrees in relation to the existing and therefore the garage doors would face directly towards the lane. The proposed garage would be sited closer to the lane than the existing outbuilding. Nevertheless, the proposed garage would have a dual pitched roof design and use natural stone and slate, which is considered to be sympathetic in design and materiality adjacent to the heritage assets. However, there is a concern in regards to the type of garage doors being proposed. It is considered that this should be side hung timber doors. If planning permission is granted, this can be conditioned along with conditions requiring materials to be used for the rest of the proposed garage.

Subject to conditions requiring samples of materials (roof and masonry), details of windows and doors and conservation style rooflights, set flush with the roof, the proposed development would have a neutral impact on the setting of the designated and non-designated heritage assets. The application therefore accords in this regard with policies DM1, P2 and P3 of the adopted Core Strategy, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

Principle of Development

The application site is allocated as Green Belt under saved Policy G/D/2 of the UDP. Policy G/D/2 is therefore relevant to any applications on the site and in the supporting text to this policy it is established that the Green Belt will be protected from inappropriate development in order to maintain the framework of open land separating and surrounding the urban areas of the borough. Core Strategy policy G4 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.

Paragraph 147 of the NPPF establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 that continues in stating that 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 149 of the NPPF establishes that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. There are however listed exceptions to this which are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in

- disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; 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.

Paragraph 150 of the NPPF states that certain other forms of development are 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 for outdoor sport or recreation, cemeteries and burial grounds).

It is noted that a previous application has been made for the change of use of the land to curtilage or build a residential dwelling on it. Notwithstanding the existing area of hardstanding which the applicant proposes to remove and lay gravel on, the site would lose its undeveloped and agriculture nature. It is still considered that the proposed change of use of the land to residential curtilage would result in the land taking on a tamed and domesticated appearance, with the additional likelihood of domestic paraphernalia such as boundary treatments (already constructed but not included in the application), play equipment, washing lines, seating etc. This is emphasised by the proposed use as a garden store, bike shed and home office. As a result, the land would lose its undeveloped and agricultural nature. It is therefore considered that the change of use would not preserve the openness of the Green Belt, and would conflict with the purposes of including land within it, including criterion c) of paragraph 138 which states the green belt serves the purpose *to assist in safeguarding the countryside from encroachment*. The proposed change of use would therefore constitute inappropriate development in the Green Belt.

It is noted that the applicant requires the proposed garage for use as a general shed which would include storing garden tools and bikes as well as a home office. It is unclear what the existing shed has been used for. Insufficient information has been provided to show what the outbuilding is and has historically been used for.

Insufficient evidence has been provided in regards to the use of the existing building and it has not been demonstrated that this building is of a historic ancillary residential use. It is considered that the proposed garage would not be in the same use as the building it replaces. As noted by the previous planning officer, 'historic images and data collected from available online sources do not show or suggest the shed has been used for parking or domestic storage'. As such the proposal would not meet the criteria for exception (d) in NPPF paragraph 149.

Furthermore, although the proposed garage would be partially screened from view from the lane by the boundary treatment, it is noted that this is unauthorised. When viewed from the lane, the proposed garage would be closer to the lane and would be more prominent. As such, the proposed domestic garage would constitute inappropriate development in the Green Belt, fail to protect the openness and conflict

with the purposes of including land within the Green Belt.

The proposed development is therefore, by definition, harmful to the Green Belt which is given substantial weight and should not be approved except in very special circumstances. No such circumstances have been identified.

Amenity

Paragraph 174 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. Paragraph 130 also seeks to ensure that planning decisions create places which promote health and well-being, with a high standard of amenity for existing and future users. Policies DM1 and G9 of the adopted Rochdale Core Strategy 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. Additionally, policy DM1 of the Core Strategy requires that proposals should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

It is considered that the proposed development would not unduly impact on the neighbouring uses or residents, nor will it unduly impact on the amenity of the residents of the occupying property. As such it is considered the proposal would accord with policies DM1 and G9 of the adopted Core Strategy and NPPF in this regard.

Highways

Highways officers raised no objections to the proposal. It was considered that the proposed development would not create road safety or highway capacity issues. The use of the land as curtilage would allow for the parking of vehicles within the curtilage of the property and would allow for off-street parking to be provided.

As such it is considered that there are no undue highway concerns with the proposals and the application accords with policy DM1 of the Core Strategy and the NPPF.

Other Harm

No other harm has been identified in respect flooding or ecological impacts of the proposed development.

RECOMMENDATION

Refuse for the following reason:

1. The proposed change of use of land to provide an extension to the residential curtilage constitutes inappropriate development within the Green Belt, as it would not preserve its openness and conflicts with the purposes of including land within it. No very special circumstances exist that would clearly outweigh the harm caused by reason of inappropriateness. The proposal is therefore contrary to policy G4 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2. The proposed detached garage constitutes inappropriate development within the Green Belt and would not preserve its openness. No very special circumstances exist that would clearly outweigh the harm caused by reason of inappropriateness. The proposal is therefore contrary to policy G4 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 notice relates to the following list of submitted plans / drawings:

- Location Plan. Drawing no: W350-04
- Topographical Survey. Drawing no: 1414 001 001
- Proposals-Garage rebuild. Drawing no: W350-02
- Proposals-Garage - block plans. Drawing no: W350-05