

APPLICATION NUMBER: 24/00791/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00791/FUL

CASE OFFICER

Sam Yuen

DETERMINATION DATE 10.12.2024 EXT OF TIME 20.12.2024

Address: Land North To The Door, Higher Lakewood, Rakewood Road,
Littleborough, OL15 0AZ

Proposal: Use of land as an extension to private curtilage of dwelling house
including erection of ancillary outbuilding for storage of equipment and workshop
space

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

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?	Y

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

RECOMMENDATION

REFUSE

CHECKED AND SIGNED OFF BY: RK

DATE: 20/12/2024

SITE

The application relates to a parcel of land north to The Door, a two-storey barn building later converted to end terrace dwelling located amidst extensive open farm land, south of Littleborough Town Centre. The site is a large area of grassland bounded by boundary fencing and is located on an isolated and elevated position with open aspect views over Hollingworth Lake to the south and thus makes an important contribution to the local rural landscape. The Door, alongside the adjoined row of terraced properties, and Higher Cleggswood Farm, a detached converted farmhouse to the south, forms part of a residential development known as Higher Lakewood which is accessible via a private access road from Rakewood Road.

Higher Lakewood, formerly known as Cleggs Wood Farm, has been identified as a non-designated heritage asset (NDHA) due to its architectural and historic significance. The site and the associated property are both located within the Green Belt.

PROPOSAL

Planning permission is sought for the change of use of the land to form an extension of residential curtilage of The Door to accommodate the erection of an outbuilding for the storage of gardening equipment and workshop space. The outbuilding contains a footprint of 12m x 4m and is characterised by a lean-to roof form and has a ridge height of 2.5m and a height to eaves of 2.44m. It would be constructed in cedar cladding, grey steel roof and aluminium framed doors and windows.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

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:

Policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity

Policy JP-G9 The Green Belt

Policy JP-P1 Sustainable Places

Policy JP-P2 Heritage

Local

Adopted Rochdale Core Strategy (CS) 2016:

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

P2	Protecting and Enhancing Character, Landscape and Heritage
P3	Improving Design of New Development
G7	Increasing the Value of Biodiversity and Geodiversity
DM1	General Development Requirements
T2	Improving Accessibility
Appendix 5	Schedule of Parking Standards

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

06/D47185 - Change Of Use, Conversion And Extension To Barn And Existing Dwelling To Form Four Dwellings, The Repair And Refurbishment Of Detached Garage, The Demolition Of Outbuildings And The Erection Of Stable Block. - Grant subject to conditions

03/D41219 - Change Of Use And Conversion Of Existing Barns To Form Two Dwellings And Extension To Existing Cottage Together With The Formation Of A New Means Of Vehicular Access To Rakewood Road - Grant subject to conditions

CONSULTATION RESPONSES

Conservation and Design

No comments received at the time of writing.

Historic England

Historic England are not offering advice on this application.

Greater Manchester Ecology Unit (GMEU)

No ecological appraisal report has been provided. The site is located approximately 200m west (at closest point), to Hollingworth Lake and Surrounds which is a Site of Biological Importance (SBI). However, given the small footprint, the nature of the habitat present (which appears to be managed grassland from aerial imagery), the small scope of works and the lack of protected species records nearby, it is not considered necessary to provide a full ecological assessment report as the proposed impacts to habitats, protected species or non-statutory sites (SBIs) are likely to be very limited.

There is no accompanying Biodiversity Net Gain (BNG) assessment, likely due to it being classified as a self-build and therefore exempt from BNG. The LPA must be satisfied that this is the case.

The following is also recommended:

- ☐ Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek ecological advice should they find or suspect that the proposals will impact on protected species.
- ☐ Planning policy encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application and could include integration of a bat and bird box onto the building.

Highways and Engineering

Highways have no objections to this proposal which is unlikely to impact upon the highway.

REPRESENTATIONS

Neighbour notifications via letters were sent to surrounding properties and a site notice was posted by the entrance of the access road by Rakewood Road. Three objection letters were received with the following representations:

- ☐ The proposed building is of an excessive size.
- ☐ The proposed outbuilding would be isolated and very visible following the recently approved demolition of an existing adjacent stable block.
- ☐ The use of bi-fold doors suggests the outbuilding would be used as a summer house or leisure room. The actual proposed use is questioned.
- ☐ The need for equipment storage is questioned as the property's garage has served this purpose to this date.
- ☐ The bi-fold doors may overlook adjacent property and associated garden.
- ☐ The proposal would sit in an area of rural land which was intended to protect the open nature of Higher Lakewood and to blend with the adjacent agricultural context.
- ☐ The community covenant prevents the erection of any structure.

Officer's Comments:

- ☐ Concerns relating the design and appearance of the proposed are addressed under the 'Design and Heritage' heading of the report.
- ☐ Concerns relating the proposed use of the outbuilding are addressed under the 'Other Considerations' heading of the report.
- ☐ Concerns relating to overlooking impacts of the outbuilding are addressed under the 'Residential Amenity' heading of the report.

- ❑ Concerns relating to the principle of the development are addressed under the 'Principle of the Development' heading of the report.
- ❑ Property covenants are matters of the law and are not material considerations in the determination of planning applications.

ANALYSIS

Principle of Development – Green Belt

The application site is allocated as Green Belt under Policy JP-G9 of the recently adopted Places for Everyone Joint Development Plan, which establishes a revised Green Belt in the Borough and supersedes Policy G/D/2 of the Rochdale Unitary Development Plan and Policy G4 of the Rochdale Core Strategy. Policy JP-G9 does not set out specific requirements for development proposals within the Green Belt and as such the provisions of the NPPF apply.

Paragraph 143 of the NPPF sets out the five purposes of the Green Belt:

- 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 other urban land.”*

Paragraph 153 of the NPPF establishes that, as with previous Green Belt policy, *“local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, 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.”*

Paragraph 154 of the NPPF establishes that *“development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- 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), including buildings, 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 (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt*
- h. *Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. *mineral extraction;*
 - ii. *engineering operations;*
 - iii. *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - 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 or recreation, or for cemeteries and burial grounds); and*
 - vi. *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

Therefore, the main consideration in assessing the principle of development is whether the proposed scheme constitutes inappropriate development within the Green Belt and, if so, whether very special circumstances have been demonstrated which may outweigh the presumption against development.

The proposal seeks to construct an outbuilding on a parcel of land to the north of the host property to be used for purposes incidental to the enjoyment to the dwellinghouse. The original permission for the redevelopment of the host property (ref: 06/D47185) had specified the extent of the private curtilage of the new dwellings to be defined within the footprint of the dwellings and the garden and driveway space which bounds it (as indicated by the heavy dashed lines on drawing no. L(01)12 dated 21/04/2006). As such, the proposal would also require the extension of the residential curtilage of The Door to in order for the outbuilding to be ancillary to the host dwelling.

The submitted Green Belt Statement has not advocated that the proposal would fall under any of the exemptions listed in the NPPF. Nonetheless, the Framework allows for material changes in the use of the land, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The application seeks permission for the change of use of the land to residential and would therefore be subject to an assessment of openness in the following heading.

Openness

Paragraph 142 of the NPPF 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 their permanence.”*

“Openness”, for the purpose of Green Belt policy is not formally defined within Planning Policy or legislation but is taken to mean the absence of built development. The term “openness”, comprises a spatial and visual component which should be

assessed in considering whether a proposal preserves the openness of the Green Belt.

The proposed outbuilding is a substantial structure of single-storey height and occupy a footprint of 12m x 4m. As the outbuilding is built development, it would constitute harm to the spatial openness of the Green Belt. The Statement has pointed the floor space of the outbuilding would occupy minimal space in relation to the larger open land. However, the presence of built development where there is currently none, irrespective of relative scale, would conflict with the aim of preserving the openness of the Green Belt. Thus this is afforded limited weight in the consideration of this application.

The submitted Statement also contends the outbuilding would be sited on the brow of a hill and adjacent to an extant detached stable block to the south of the proposal and would have limited public visibility and minimal visual impact. It is noted however, planning permission was recently granted for works to adjacent Higher Cleggswood Farm (ref: 23/01268/HOUS) which includes the partial demolition of the stable outbuilding. On the balance of probability, the implementation of this permission would result in considerable reduction of built development in this particular location. The proposed outbuilding would therefore appear as a separate structure which projects further to the north-west in its width and increasing its prominence on this hill. In any event, the proposed outbuilding would be partially screened by a line of mature trees to the south-west which together with its elevated position, restricts visibility from public vantage points around Hollingworth Lake. As such, the harm to visual openness in the wider context would be limited. Notwithstanding, by virtue of its considerable scale and visually distinct siting from nearby buildings, the proposed outbuilding would remain readily visible locally within Higher Lakewood. In addition, the change of use of the land to residential curtilage is likely to result in the land becoming more intensely maintained and may give rise to further works including demarcated boundaries, domestic paraphernalia and introduction of hard surfacing, which would lead to the site appearing more visually distinct from its rural surroundings. On this basis, the proposal would adversely impact the visual openness of the Green Belt.

Planning Balance

In light of the above assessment, the extension of the residential curtilage would result in the encroachment of the countryside and would be contrary to Paragraph 143 of the NPPF which seeks to assist in safeguarding the countryside from encroachment. The proposal would therefore constitute inappropriate development, which is by definition, harmful to the Green Belt. The applicant has not demonstrated the proposal would meet any of the exemptions under Paragraph 154 of the Framework. Additional harm has also been identified in terms of the adverse impact on the visual and spatial openness of the Green Belt. The NPPF gives substantial weight to any harm to the Green Belt, including harm to its openness. No very special circumstances have been identified that would clearly outweigh the substantial harm. The application is therefore contrary to Policy JP-G9 of the adopted PpE and the National Planning Policy Framework.

Design and Heritage

Achieving good design to achieve sustainable development is a key component of the NPPF, whereby decisions should ensure developments are visually attractive and sympathetic to local character. This is also reflected in Policy JP-P1 of the PfE and Policies DM1 and P3 of the adopted Rochdale Core Strategy, which require development to respect local context with regard to siting, size, scale, massing, height and materials. 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”*

Cleggs Wood Farm, now named Higher Lakewood, which comprises the host dwelling and the adjacent associated farm buildings, has been identified as a non-designated heritage asset due to its architectural and historic significance. Policy JP-P2 of the adopted Places for Everyone and Policy P2 of the adopted Rochdale Core Strategy strives to *“protect the borough’s heritage by... conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings.”*

Paragraph 216 of the NPPF states *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Cleggs Wood Farm is a group of pre-1845 farmhouse and barn buildings of stone construction. Whilst the host dwelling and adjacent farm buildings have been subject to later alterations and additions, much of its historic fabric remains and by virtue of its siting, the group of buildings contributes significantly to the cultural landscape around Hollingworth Lake, as identified in Policy P2 of the Core Strategy. The proposal is therefore subject to a balanced judgement regarding the scale of any harm and the significance of the heritage asset.

The submitted Heritage Statement is brief and has not consulted relevant historic environment records (HERs), nor has it sufficiently assessed the impact of the proposal on the significance of Cleggs Wood Farm as an NDHA. Notwithstanding, the proposal seeks to construct a single-storey outbuilding which would be sited some 30m away from the host property and would result in a large and alien structure which relates poorly with the massing and built forms of the host dwelling and associated farm buildings. The use of cedar cladding and large bi-fold doors contribute towards the outbuilding appearing as an overly domestic structure which is at odds with the agrarian character of the farm buildings and surrounding area.

By virtue of its siting, scale, materiality and design, the proposed outbuilding would result in less than substantial harm to the significance of Cleggs Wood Farm as a non-designated heritage asset by way of harm to its setting. The design of the proposal is therefore unacceptable and fails to accord with Policies DM1, P2 and P3

of the adopted Rochdale Core Strategy, the SPD, Policies JP-P1 and JP-P2 of the adopted PfE and the NPPF.

Ecology

Paragraph 180 of the NPPF seeks to conserve and enhance the natural environment through minimising impacts on and providing net gains for biodiversity. Policy JP-G8 of the PfE aims for a net enhancement of biodiversity through increasing the quality of existing habitats and its management. Policy G7 of the Core Strategy also requires developments to protect existing biodiversity including trees and vegetation and developments should result in a net gain.

As of 12th February 2024, BNG of 10% is mandatory for development in England under Schedule 7A of the Town and Country Planning Act 1990. In the submitted supporting statement the applicant has claimed the development to be self-build which falls within the exemptions listed under The Biodiversity Gain Requirements (Exemptions) Regulations 2024. However, the proposal cannot fall under this exemption as the ancillary storage outbuilding does not constitute the development of a dwellinghouse. As such, the proposal fails to fulfil the listed exemptions and would be subject to statutory BNG requirements.

It is also noted the provisions of Paragraph 187 of the NPPF and PfE Policy JP-G8 in respect of providing a net gain to biodiversity would still apply to the proposed development.

The parcel of land subject to the proposed change of use and outbuilding comprises an area of open grassland. Based on available evidence, no habitats or protected species are immediately apparent. Notwithstanding, in the absence of a biodiversity matrix, it is not possible to ascertain the biodiversity value of the land, and the specific impact upon biodiversity that the development would have. With reference to the mitigation hierarchy of Policy JP-G8 of PfE, the application fails to mitigate any harm to biodiversity and does not compensate for this loss. No assessment to demonstrate quantifiable biodiversity net gain has been set out in the submission. The proposal would therefore fail to comply with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the PfE and the NPPF.

Residential Amenity

Protection of residential amenity is considered under Policy DM1 of the adopted Rochdale Core Strategy, which states development proposals should ensure they *“do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.”*

By virtue of its siting on a substantially elevated and isolated position, the proposed outbuilding does not directly face any properties and is not expected to result in significant amenity impacts in this regard. With regard to objections relating to overlooking impact, the area of land which would be overlooked by the south-west

facing bi-fold doors does not form part of any residential curtilage and thus no adverse harm to the amenity of neighbouring occupiers has been identified.

The proposal would not unduly impact on the amenity of the occupants of neighbouring properties in accordance with Policy DM1, the SPD and the NPPF.

Highways and Parking

Policy DM1 of the adopted Rochdale Core Strategy requires development proposals to *“provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.”*

The proposed development would not impact on the existing provision of parking spaces for the host property. The Council’s Highways Officer has also raised no objections to the proposal. As such, no harm to highway safety and parking provision has been identified, in accordance with Policies T2 and DM1 of the Core Strategy.

Other Considerations

With regard to concerns raised from submitted representations in terms of the proposed and actual use of the outbuilding, each application is determined on its individual merits and based on the information provided. It is also noted that the potential suggested use of the outbuilding as a summer house or leisure room may remain ancillary to the use of the host property as a dwellinghouse and is not considered to prejudice the determination of this application.

RECOMMENDATION: REFUSE

1. The proposed change of use of the land as residential curtilage and the construction of an outbuilding would constitute inappropriate development, which is by definition, harmful to the Green Belt and given substantial weight. Additional harm has also been identified in terms of the adverse impact on the openness of the Green Belt, less than substantial harm to the significance of Cleggs Wood Farm which is identified as a non-designated heritage asset, harm to the character and appearance of the surrounding area and a loss in biodiversity value. No very special circumstances have been identified that would clearly outweigh the substantial harm by reason of inappropriateness and other identified harm. The application is therefore contrary to Policy JP-G9 of the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.
2. By virtue of its siting, excessive scale, materiality, fenestration and design, the proposed outbuilding constitutes an unsympathetic and alien structure with an overly domestic appearance which is at odds with the agrarian character of the nearby farm complex. The incongruity of the proposal would sit at a disharmony with the nearby farm complex and give rise to less than substantial harm to the significance of Cleggs Wood Farm as a non-designated heritage asset. The proposal would not be well-designed and would fail to accord with Policies DM1, P2 and P3 of the adopted Rochdale

Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD, Policies JP-P1 and JP-P2 of the adopted Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

3. In the absence of a completed statutory biodiversity metric, the proposal fails to demonstrate compliance with the statutory requirements of Section 7A of the Town and Country Planning Act 1990 (as amended) in respect of meeting the biodiversity gain objective. The proposals, by reason of their loss of on-site habitat without adequate compensation also fail to deliver a measurable enhancements to the natural environment and as such, the proposals fail to comply with Policy G7 of the adopted Rochdale Core Strategy, Policy JP-G8 of the adopted Places for Everyone Joint Development Plan, 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.

INFORMATIVES

For the avoidance of doubt, this Decision Notice relates to the following submitted plans:

- ☐ Location Plan – received 15/10/2024
- ☐ Outline Plan – Drawing No. 06 received 15/10/2024
- ☐ Proposed Site Plan – received 15/10/2024
- ☐ Proposed Ground Floor Plan – Drawing No. 05 received 15/10/2024
- ☐ Proposed South Elevation – Drawing No. 01 received 15/10/2024
- ☐ Proposed North Elevation – Drawing No. 02 received 15/10/2024
- ☐ Proposed East Elevation – Drawing No. 03 received 15/10/2024
- ☐ Proposed West Elevation – Drawing No. 04 received 15/10/2024

Report Author Sam Yuen