

APPLICATION NUMBER: 24/00692/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO	CASE OFFICER	DATE
24/00692/FUL 2024	Nick Brookman	26 November

DETERMINATION DATE

29 November 2024 (Extension of time)

Address: Summit Cabin, Land to the north of 19 Salley Street, Littleborough, OL15 9NG

Proposal: Erection of a detached building for use as holiday let accommodation, the installation of an underground septic tank and associated landscaping works (Retrospective)

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?	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?	Y

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

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

SITE

The application relates to the retrospective construction of a wooden clad cabin built to be used as a holiday let and it is known as Summit View Cabin.

The application site is located within the Green Belt in the village of Summit which is approximately 2.25km north of Littleborough and 7.7km north of Rochdale town centre.

Located specifically on land behind the rear gardens of numbers 9-19 Salley Street, the site is raised above this terraced row of properties. Access to the site is via a single track on the north west side of Salley Street rising up toward the existing holiday let which is to the north corner of the site. The site benefits from a generous 'field' or grassed ground providing ancillary amenity space associated with the holiday let. A generous parking area fronts the holiday let.

The site is bound by typical agricultural post and wire fencing and undeveloped hedging bounds the southern and eastern boundary of the site which is shared with the existing aforementioned residential properties on Salley Street. The north and west boundaries are largely open and free from vegetation and there are agricultural fields beyond these boundaries.

The Pennine Bridleway and Mary Town Loop lies immediately to the north.

PROPOSAL

The proposal seeks permission retrospectively for use of the existing building as a holiday let known as Summit View Cabin as shown in the photograph below.

The cabin has a floor area of approximately 60sqm which includes the store area on the north elevation. The building measures approximately 2.4m to the roof ridge which is pitched, and the highest point of the building is the flue associated with the log burner/stove which is 2.8m high.

All external walls are faced with timber weatherboarding with a brown preservative stain finish and the roof is made up of mineralised felt. A small outdoor deck area fronts the building and the main entrance door into the cabin is on the south elevation leading into the 'canopy' and hot tub area. The cabin comprises of a lounge/kitchen area, one bedroom and a shower/toilet room and external store.

A large parking area lies adjacent to the cabin which is accessed via the stone track.

RELEVANT PLANNING POLICY**National Guidance**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE).

The following policies are relevant:

JP-S1 Sustainable Development
JP-S4 Flood Risk and the Water Environment
JP-G1 Landscape Character
JP-G8 A Net Enhancement of Biodiversity and Geodiversity
JP-G9 The Green Belt
JP-P1 Sustainable Places
JP-P2 Heritage

Adopted Rochdale Core Strategy (CS):

SO1 Delivering a more prosperous economy

E5 Encouraging the visitor economy
E6 Supporting and diversifying the rural economy

SO3 Improving Design, image and quality of place

P1 Improving image
P3 Improving design of new development

SO4 Promoting a greener environment

G8 Managing water resources and flood risk
G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

T2 Improving accessibility
DM1 General Development Requirements

Unitary Development Plan (UDP):

G/D/2 – Green Belt
EM/7 – Development and Flood Risk
EM/8 – Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Highways and Engineering

No objection.

Environmental Health

No objection subject to condition.

Greater Manchester Ecology Unit

No objection subject to condition.

Tree Officer

No objection but would support the proposal to plant additional broad leaved trees on site.

REPRESENTATIONS

The application was publicised by neighbour notification and site notice.

7 objection letters were received and comments from the objectors are summarised below.

- Noise disturbance.
- Inappropriate lighting and cameras.
- Site is in the Green Belt and should be protected from new developments.
- There are already holiday let facilities available in the wider borough.
- The application fails to account for any forms of disturbance it has or will cause.
- Tree planting proposal is unsuitable for the field and for affected neighbours.
- Inappropriate development in the Green Belt.
- Application doesn't provide evidence to demonstrate how it fulfils recreational needs.
- No local shops, pubs, cafes or any infrastructure to support more recreation or tourism.
- The application does not meet the conditions for an appropriate exception from Green Belt policy.
- Noise nuisance would be exacerbated.
- Light pollution by way of the new LED lights along the driveway.
- Privacy impacts given the application site is raised above neighbouring properties.
- Impact on bat and moth populations as a result of the new light impacts.
- Impact on existing drainage and infrastructure.
- Introduction of a large septic tank.
- Drainage issues.
- Impacts on wildlife.
- Impacts of new tree planting.

ANALYSIS

Principle of Development

Policy Position

Inappropriate Development

The entire 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*'.

Paragraph 152 of the NPPF confirms that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

Paragraph 153 requires that *'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'*.

The application is for the retrospective construction of a 1 bedroom holiday let. 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. In this instance the applicant is presenting the point that this application meets exception (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'*.

At the local level, PfE Policy JP-G9 which has superseded Core Strategy Policy (G4) sets out that *'the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high-quality green spaces that will support economic growth'*.

The application in this instance is presenting the argument that the development falls under exception (b) of NPPF paragraph 154. The applicant advertises the development as being a site that provides *'a one bedroom, temporary accommodation for 4 or 5 people, mainly for walkers and cyclists visiting the area'*. The applicant also refers to there being a clear need for accommodation along the Pennine Bridleway which is a nationally acclaimed outdoor recreational route. However, Planning Officers disagree with the applicant's view insofar as to exception b of paragraph 154 being relevant in this instance. Officers consider that whilst the holiday let in this case would be marketed to cyclists and walkers, it would not itself involve or include outdoor recreational activity facilities. The occupation of a permanent building, even as holiday accommodation, does not represent outdoor recreational activity in its own right. For this reason, the proposal fails to meet any of the exceptions listed and the development is therefore inappropriate development contrary to the provisions of paragraph 154 of the NPPF.

The NPPF is explicit in that development should not be approved except in very special circumstances.

What results in very special circumstances is not defined within either the NPPF or local policy. There could be a single and substantial factor that clearly outweighs the harms, or a number of seemingly ordinary benefits which, when considered in isolation might not be individually particularly noteworthy, but collectively, clearly outweigh the harms, to amount to *'very special circumstances'* existing. The weight given to any particular factor, and their combination, is a matter of planning judgement for the decision taker.

In accordance with Paragraph 153 of the NPPF, this report will evaluate harm to the Green Belt, any other harm and any other considerations, before coming to a conclusion as to whether very special circumstances exist. In assessing harm, the

following weight has been ascribed to each matter either in favour or against the proposed development:

- ☐ Neutral;
- ☐ Limited;
- ☐ Moderate;
- ☐ Significant; or
- ☐ Substantial.

Harm to the Green Belt

Harm by Definition

As stated above, the proposal is inappropriate development in the Green Belt. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 153 states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Having established that there is definitional harm, it is necessary to consider other forms of harm to the Green Belt. The next sub sections will therefore consider the impact of the proposal on the openness of the Green Belt and the impact on the purposes of including land in the Green Belt.

Impact on Openness

Paragraph 143 of the NPPF sets out the 5 purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. This approach is supported by PfE and by virtue of encroaching into the undeveloped countryside in this location, the built form of Summit View cabin and its use as a holiday let, conflicts with the purposes of including land within it.

Paragraph 142 of the Framework sets out 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. Given that the development has been identified as being inappropriate, the next test is to assess the impact of the development upon the openness of the Green Belt.

Planning Practice Guidance provides further advice on what factors can be taken into account when considering the potential impact of development on openness. This guidance clarifies that assessing this impact requires a judgment based on the circumstances of the case in question. Furthermore, the guidance gives a number of examples where the courts have identified a number of matters which might need to be taken into account in making the assessment. In summary these include, but are not limited to:

- ☐ Openness is capable of having both spatial and visual aspects;
- ☐ The duration of the development, and its irremediability;
- ☐ The degree of activity likely to be generated, such as traffic generation or use of the land by future occupiers.

As alluded to above, openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects.

The design of the cabin is such that it is 'built in' to the landscape as shown by the photographs below and the development blends in with the rising topography to the rear. The mono-pitch roof profile and timber weatherboarding also assist in assimilating the building into the rural landscape.

The building benefits from some very limited natural screening from mature trees to the east adjacent to the existing car parking area (as shown in the top right photograph below) from views looking east/south to the north. However, it is recognised that this partial screening is only possible when the trees are in full leaf. Otherwise, the site and cabin are clearly visible from the adjacent public footpath (The Pennine Bridleway) where the views into the application site are entirely uninterrupted. The site is also visible from the west and north and from the rear of the adjacent terraced dwellings on Salley Street in the east and when stood on Salley Street by the entrance gates to Summit View Cabin.

The visual aspect of the existing holiday let is demonstrated by the photographs below and it is considered that the development would negatively impact visual openness both within the site and from its surroundings.



In assessing the spatial aspect of the development, as shown on the above and below imagery provided from Google Earth (site edged in red (approximately)), the application site is not isolated from the surrounding built environment to the north east and to the south.

The application site effectively sits in a ribbon of existing development which is physically separated from the wider open countryside to the north west from Higher Calderbrook Road and the Pennine Bridleway as shown from an aerial view below.

The impact on spatial openness would be more severe if the development was positioned on the northern side of the Pennine Bridleway in what appears to be currently undisturbed countryside and that would be considered an even more harmful encroachment into the countryside.



However, in assessing the spatial harm caused by the development on the Green Belt openness, it is important to recognise that the absence of any significant visual intrusion does not in itself mean that there is no impact on openness. The spatial openness of the Green Belt is clear around the building and the development now introduces a new building into an open area of land which previously was only home to a smaller chicken shed and a building use for storage by the previous landowner as confirmed by the applicant. There is now, a greater impact on the openness by the simple merit of the quantum of development that exists compared to that which previously existed.

Therefore, there is a reduction in the spatial openness of the application site, and this is harmful to the Green Belt.

Overall, the development would result in harm to spatial and visual openness, contrary to the requirements of paragraph 142 of the NPPF. It is now important to consider the impact of the proposal on the purposes that land within the Green Belt should serve.

Impact on purposes

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

- 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 reserve 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.

A) To check the unrestricted sprawl of large built-up areas

The site comprises an open area of land which sits in an existing ribbon of development through existing residential dwellings and associated paraphernalia. Although contained by urbanising development to the east and south, the application site remains open to the north and west. The site has a sense of openness about it and the siting of the building has altered the visual and spatial aspects of openness in this location.

The development applied for however is not significant enough in size to contribute towards what could be considered to constitute a sprawl of a large built-up area and it would not conflict with this purpose. It is however evident that the development has expanded a built-up area toward the north west of the existing terraced dwellings and the application is for development outside of the existing defined urban area.

B) To prevent neighbouring towns merging into one another.

The development and application site involved with this application serves no purpose in preventing neighbouring towns merging and as such it would not conflict with this purpose.

C) To assist in safeguarding the countryside from encroachment

The site is characterised by its rural environment comprising elements of traditional terraced cottages/dwellings to the south and east with rural farmsteads to the north. Despite the urbanising features adjacent to the site, the site undoubtedly has a strong distinction with the surrounding countryside. The development would therefore result in encroachment into the countryside and would have a moderate impact on this purpose.

D) To preserve the setting and special character of historic towns

The application site does not abut an identified historic settlement and does not have a physical or visual relationship to the setting or significance of an historic town. The proposed development would not conflict with this purpose.

E) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The application site does not conflict with this purpose as it does not assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Openness Conclusion

The development is inappropriate development within the Green Belt and therefore, is harmful by definition. The proposal would conflict with one of the five purposes that Green Belts serve through representing encroachment into the countryside.

In terms of harm caused to the openness of the Green Belt, the consideration of openness can involve various factors, relating to a proposals site context, including the visual sensitivity within the landscape and appreciation of such development for

example. Officers have therefore considered the proposal having regard to its individual merits, including its location, scale and form and the site context and the development would not preserve the openness of the Green Belt as discussed above.

Consequently, the development negatively impacts upon both spatial and visual openness. In conclusion, the conflict with purposes, taken together with the impact upon openness and definitional harm by reason of inappropriateness, culminate that very substantial weight should be attached to the harm to the Green Belt as a result of the proposal.

The development is unacceptable in principle.

OTHER HARM

As set out in paragraph 153 of the NPPF, there is a need to assess whether any other harm would result from the proposed development.

Heritage

The application site is adjacent to a row of terraced weavers cottages on Salley Street. The cottages are depicted on the first edition OS map dating from 1851 and are identified as non-designated heritage assets.

Paragraph 200 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and where necessary a field evaluation.

NPPF paragraph 201 states that 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and the necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.'

Paragraph 203a) of the NPPF states that in 'determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets', whilst paragraph 206 maintains that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 209 of the NPPF states that 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.

A Heritage Assessment was submitted to accompany this application, and this considers that by '*the buildings distance from the terrace and the retention of intervening open areas, the building would have a neutral impact upon its setting.*

Equally the access to the Cabin, which uses a long established access point, is sufficiently removed from the terrace so as not to impact adversely upon its setting. The key views of the terrace are from Calderbrook Road. The retention of the Cabin would not adversely affect these’.

In considering the harm to the non-designated heritage assets, consideration needs to be given to the impact of the built form and development on the key views of the existing cottages as shown below from the Pennine Bridleway.



It is the Council's view that the building is sited away from the cottages to the rear of the application site which reduces its prominence in the setting of the cottages. However, when the application site is viewed from the Pennine Bridleway which is set on higher ground to the west providing a key view across the application site, the existing building is viewed in the setting of these cottages. National policy is clear that achieving good design is a fundamental aspect of the planning system, this is embedded within the NPPF and National Design Code but the design of the application building does not use materials which are reflective of the local vernacular. Pertinent to this is PfE policy JP-P2 Heritage which requires that *'we proactively manage and work with partners to positively conserve, sustain and enhance our historic environment and heritage assets and their settings'* and that *'development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy.'* In addition, proposals should be informed, as necessary, by the findings and recommendations of the appropriate heritage assessment(s) in the development plan evidence base and/or any updated heritage assessment submitted as part of the planning application process.

It is acknowledged that there is existing landscaping, and soft landscaping is proposed. In time, subject to the successful maintenance and management of onsite landscaping, this could assist in softening the appearance of the building in this setting when assessed against the non-designated heritage assets. The impact

could therefore be mitigated through conditions taking the existing and proposed landscaping into account in this assessment. Nevertheless, limited weight is attributed against the impact of the development on the adjacent non-designated heritage assets in this regard owing to its design and appearance which is not reflective of the local vernacular.

Drainage

Policy G8 of the Core Strategy sets out the Council's strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment. Policy EM/7 of the saved UDP states that development will not be permitted in areas identified as flood plains, or other areas where development could contribute to increased flood risk. The NPPF also establishes that inappropriate development in areas at risk at flooding should be avoided and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.

The application site falls within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year. The site is however with a Critical Drainage Area, but the proposed development would not increase or re-direct surface water elsewhere.

Saved UDP Policy EM/8 (Protection of Surface and Ground Water) sets out that development proposals will be expected to make satisfactory arrangements for the disposal of sewage amongst other things. In this instance, a self-contained septic tank has been installed into the ground and this application seeks the retrospective planning consent for this installation. The septic tank is underground and therefore not publicly visible. The foul water from the development would be disposed of by way of connection to this septic tank. However, Officers have concerns that at the time of the planning application, no details of the existing tank have been provided and no modelling or specification of the flows and capacity of the tank have been made available. As such the Council are unable to make a full assessment of the development and its ability to remove foul water.

Accordingly, it has not been demonstrated or satisfactorily shown that the development would accord with Policy G8 of the adopted Rochdale Core Strategy and significant weight against the development is attributed to this factor in the planning balance.

CONCLUSION ON OTHER HARM

In summary, the development would have an identified harmful impact on the adjacent non-designated heritage assets which create a high degree of design sensitivity in this location. Whilst careful consideration has been given to the impacts of the proposal, including the proposed landscaping mitigation which will assist in blending the development into the landscape over time, the landscape in this location when viewed from the Pennine Bridleway is open and there will remain longstanding harm against the non-designated heritage assets as a result of the proposal and harm which should attract limited weight in the planning balance.

Further, it has not been demonstrated or satisfactorily shown that the development would accord with Policy G8 of the adopted Rochdale Core Strategy. The Council are unable to make a full assessment on the proposed foul drainage of the site in the absence of acceptable details and specification. Accordingly, significant weight against the development is attributed to this factor in the planning balance.

OTHER CONSIDERATIONS

Paragraph 153 of the NPPF requires analysis of other considerations in the planning balance and these are set out below.

Design / Visual Amenity / Character of the countryside

PfE Policy JP-G1 (Landscape Character) requires development to reflect and respond to special qualities and sensitivities of the key landscape characteristics of its location having regard to various features. This application is located with open moorlands and enclosed upland fringes as defined by Figure 8.1 of PfE.

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. 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.

As previously discussed, the prevailing character and material in this location is stone. The site when assessed as a whole is minimalistic and has a simple materials palette and the building has the appearance of typical stable building through the use of timber weatherboarding. Typically, it is designed with a rural character which assimilates well with the surrounding countryside landscape and character. However, as assessed previously, it appears materially different in the setting of the adjacent dwellings on Salley Street which are non-designated heritage assets.

Officers also consider that the overall scale of the building is excessive beyond its intended purpose and its scale could be reduced through the removal of the unnecessary 'canopy' room. This adds a needless addition to the primary use of the building as a holiday let in the Green Belt. The title of the room on the proposed floor plan referenced SSL-29-06-24 is misleading as this part of the development is actually a fully occupied and fitted out room internally interlinked with the rest of the building with a tall table and stools, a hot tub and tiled floor. This area of the development is fully functional, and it is not a canopy with a means to purely providing cover from inclement weather. If this element of the building was removed the impact on openness would be somewhat reduced.

Having due regard to Policy JP-P1 of the PfE Joint Development Plan, policies DM1 and P1, P2 and P3 of the Rochdale Core Strategy and policies contained within the NPPF, it is considered that the development has a limited harmful impact on the site and its surroundings.

Noise and Residential Amenity

Core Strategy policy G9 sets out the Council's requirements approach to all forms of pollution including the risk of noise, as they relate to new development.

Paragraph 180 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.

The NPPG states that local planning authorities' decision taking should take account of the acoustic environment and in doing so consider: whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved.

Paragraph 135 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.

In general, the submission has been reviewed by the Council's Environmental Health team and it is important to acknowledge that Officers have been made aware that the land has previously been used by the applicant for 'social gatherings' and 'parties' which have lasted late into the evening causing disturbances for existing residents on site. In this regard, given the nature of the retrospective development and its proximity to existing residential dwellings, Environmental Health requested the submission of a Noise Management Plan to consider matters such as general noise of customers entering and leaving the property, noise from deliveries, limits on use of the outdoor space, no amplified entertain, no parties are permitted etc. A Noise Management Plan has been submitted which considers the likely activities mentioned above and how the development would reduce the impact on residential properties. Matters proposed within the Noise Management Plan could be conditioned to be carried out in perpetuity for the lifetime of the development.

With regard to separation distances from neighbours, the building is in close proximity to neighbouring terraced dwellings on Salley Street but in relation to the positioning of windows, and the proposed outlook the occupiers of both Summit View Cabin and existing neighbouring dwelling, would receive, it is not considered that there would be any sense of a permanent impact on residential amenity by way of overlooking.

The Council's Guidelines and Standards for Residential Development SPD refers to Space Standards at Section 4.1, and states the following:

'The following minimum space standards will be applied to all new residential developments and developments which affect existing residential properties:

- (i) 21m between directly facing principal windows of habitable rooms, at an upper floor level AND 10.5m between a principal window at an upper floor level and a directly facing boundary of the curtilage (Figure 2);*
- (ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room (Figure 3);*
- (iii) 10m between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room (Figure 4).'*

Section 4.3 states exceptions to these minimum standards are acceptable in some circumstances and applications are considered on their own merits.

Given the design of the building, its orientation, the topography of the wider area and distance from existing dwellings, the space standards here are acceptable. A large amenity space to the south provides ample outdoor space associated with the use of the holiday let as shown by the photographs below.



Whilst there would not be a recognised impact on residential amenity from the holiday let building itself facilitating overlooking for example, it is considered that if

you were stood on the shared boundary on the south east of the application site, this would impact upon privacy and would enable direct views from the application site into the rear properties and their gardens on Salley Street.

Officers are therefore concerned that there is the potential for a recognised impact on overlooking. Nevertheless, it was evident on site that the applicant has already implemented a landscape buffer around the south east boundary of the site which is demonstrated on the above left photograph. Whilst currently undeveloped, this landscaping will provide a natural screen and buffer to protect any significant to detrimental impact on privacy. It is also recognised that such is the size of the amenity space available to the use of the holiday let, the likelihood of there being any permanent loss of privacy is perceived to be very low. Users of Summit View Cabin would have to be physically stood on the boundary for there to be a significant impact on privacy.

In addition to the existing landscaping on site, the application is supported by a landscaping plan that proposes the planting of 14 Silver Birch trees which would assist in providing natural screening and a management and retention condition could be applied below to secure this for a number of years to ensure the soft landscaping bounding the site in this location is maintained and afforded the opportunity to develop maturely.

It is also recognised that some of the existing properties on Salley Street to the south already benefit from sheds and outdoor paraphernalia which already provides screening from the application site which is evidenced above.

The overall transformational change of the site, with its associated activity, in comparison to the previous largely agricultural use of the site, there would invariably be an increase in noise arising from the site. However, subject to compliance with the Noise Management Plan, the noise impacts of the development would have a limited impact upon sensitive receptors. Furthermore, the implementation of the proposed landscaping scheme along with appropriate management and maintenance would also help soften any impact on residential amenity. The development would meet Core Strategy Policy G9 and as a whole, neutral weight would be attributed against the development in this regard.

Highways

The development is not considered to have an adverse impact on highway safety and would not generate a level of additional traffic which would have a detrimental impact on the safe and efficient operation of the immediate local highway network, or strategic routes. Highways Services have raised no objections and with regard to CS Policies T1 and T2, Policy JP-C8 of PfE and the NPPF. Therefore neutral weight is attributed against the development in this regard.

Ecology

Policy G7 requires that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection and that opportunities for enhancing biodiversity and geodiversity will be supported. It is expected that development proposals will protect and include existing biodiversity and take opportunities to promote biodiversity and create new habitats using landscaping and building and construction features wherever possible. CS Policy G7 requires that no development should result in a net loss of biodiversity and geodiversity.

PfE Policy JP-G9 seeks to deliver a net enhancement of biodiversity resources through a collective of measures which are broadly aligned with the approach to

BNG outlined within the Environment Act (2021), the NPPF and supporting guidance documents. The provisions of the Environment Act in respect of BNG are now a statutory requirement for planning applications and so the development should achieve net gains for biodiversity via species enhancement as guided by the NPPF (paragraphs 180d and 185 b) to achieve demonstrable net gain for biodiversity.

When determining planning applications paragraph 186 of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Opportunities to improve biodiversity in and around developments should also be integrated as part of their design, especially where this can secure measurable net gains.

The application is accompanied by a Biodiversity Net Gain Assessment and Metric which concludes that with the creation of modified grassland and planting of trees on site, there will be an 11.45% gain in habitat units. Management over the next 5-20 years will be necessary to encourage habitats to reach their best possible condition with review of the management regimes every 5 years.

GMEU were consulted on this application and originally requested that 4 medium size trees was insufficient and recommended that 8 small trees should be planted around the boundary. The applicant has now provided 14 small trees which when ran through the metric achieves over the statutory requirement for BNG.

Accordingly, the ability of the scheme to provide in excess of 10% BNG along with the subsequent management of the proposed landscaping would be a benefit which carries limited positive weight in the balance.

VERY SPECIAL CIRCUMSTANCES

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 NPPF 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, LPAs should continue to ensure that substantial weight is given to harm to the Green Belt and any other harm.

In light of the above assessment, it is necessary to now consider whether there are 'very special circumstances' which clearly outweigh harm to the Green Belt (arising from the inappropriate development discussed above) and any other harm resulting from the proposal as set out in paragraph 153 of the NPPF.

THE APPLICANT'S CASE

In the case of this application, the applicant has submitted a Planning Statement Addendum which has set out several very special circumstances.

The main focus of the applicant's argument is the development's ability to facilitate the use of the Pennine Bridleway by a variety of users many of whom would require an overnight stay which in turn would help contribute to local services and facilities. The applicant has also suggested that the development is marketed at users of the adjacent Pennine Bridleway and the development therefore allows users to adopt

healthier lifestyles which in turn contributes to addressing health inequalities across Greater Manchester in line with PfE Policy JP-P6 (Health).

The applicant has also pointed to the proposed landscaping contributing towards BNG enhancement.

THE COUNCIL'S ASSESMENT

Improving Tourism

The application site is located within the Pennines area of the Borough and the Core Strategy. The Core Strategy recognises the upland moorland landscape of this area as being a major asset for residents, visitors and wildlife and one of its key rural attractions is the Pennine Bridleway which offers great potential for encouraging increased tourism.

Policy E5 of the Core Strategy (Encouraging the Visitor Economy) sets out that the Council will focus on promoting a number of tourism opportunities with one being enhancing the Pennine Way and Pennine Bridleway corridor. Policy E6 of the Core Strategy (Supporting and Diversifying the Rural Economy) also establishes that the Council will strengthen and diversify the rural economy and where possible increase rural employment by supporting proposals in particular where they improve the recreational and tourist value of the Rochdale Canal, Hollingworth Lake, the Roch Valley corridor, Pennine Way and Pennine Bridleway and other strategic tourist and recreational routes and sites.

Policy E6 goes on to state that the Council will support development outside the Urban Area in the aforementioned locations where it is in accordance with national Green Belt policy and it: *'a) would be of a high quality design that protects and enhances landscape and townscape quality and character, biodiversity and any specific cultural or historic attributes of the site or its surroundings; b) Creates stronger physical and economic linkages between urban and rural areas by supporting agriculture, the processing and marketing of local produce, access for tourism and recreation, woodland and landscape enhancement, and environmental infrastructure and services'.*

Whilst located in the Green Belt and countryside, the application site is not isolated and nor is it considered to be remote from services and facilities. Officers are also mindful that the Framework is supportive of sustainable rural tourism in line with paragraph 88 of the NPPF which sets out that *"Planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside"*.

The application site is located immediately adjacent to the Pennine Bridleway which offers virtually direct access into the wider countryside and beyond. This route runs for 205 miles from Derbyshire to Cumbria and is designed specifically for equestrians and mountain bikers. Accordingly, the development subject to this application is marketed to visitors wishing to access this nationally acclaimed route.

It is therefore recognised that this development would assist in attracting visitors to the borough which would in turn assist in improving the tourist value of the Pennine Bridleway. It is however acknowledged that the development provides enough accommodation for two-three people. Therefore, the contribution to improving tourist accommodation would be minimal and only limited weight is afforded to this benefit in this circumstance.

Improving Health and Well-Being

PfE Policy JP-J6 (Health) sets out that to tackle health inequality, new development will be required as far as practicable to maximise its positive contribution to health and wellbeing whilst avoiding any potential negative impacts of new development. As well as supporting healthy lifestyles.

Officers cannot guarantee that users of the development would in turn be guaranteed to use the Pennine Bridleway, the development is marketed as being a purpose-built accommodation near this nationally acclaimed route. Given the uncertainty surrounding the future intended use of the building by occupants, only neutral weight can therefore be afforded to the fact that the development provides an opportunity to marginally assist and contribute to tackling health inequality in Greater Manchester.

Improving the Local Economy

The application site in this instance is located within cycling or walking distance of the local public house in the village of Summit (The Summit Inn) and so it could be likely that visitors would support this local rural business as well as using other amenities in the small town of Littleborough just 2.25km away to the south which is no significant distance to access via sustainable modes of transport such as cycling which visitors and users of the development may typically be expected to be in possession of although this cannot be guaranteed.

In terms of tourist accommodation there is little other available alternative accommodation in such close proximity that is suitable or that would provide the immediate access to the Pennine Bridleway as is provided by the development subject to this application.

Notwithstanding that by Green Belt definition, the development is inappropriate development, the development here albeit small, would provide a positive but very minor contribution to the local economy and recreational routes by creating a permanent and stronger link for tourism, the local economy and access to the Pennine Bridleway in accordance with CS Policy E5 and E6 and this is afforded limited weight in the planning balance.

Biodiversity Net Gain

The NPPF sets out in paragraphs 7 and 8 that the purpose of the planning system is to contribute to the achievement of sustainable development, with an environmental objective element being one of three key elements of sustainable development.

The development would deliver environmental benefits by way of improving the biodiversity on site. The submitted Biodiversity Net Gain Assessment at section 4.2 confirms that 14 broadleaved native trees will be planted on site which accumulatively results in an 11.45% gain in Habitat Units which is an increase beyond the statutory requirement of 10%.

The previous site appeared unmanaged, and this development will likely inevitably perform much better in environmental terms compared to the previously unmanaged site. This fact can be secured by a landscaping management condition.

Overall the development would suitably enhance biodiversity on site, exceeding beyond mandatory BNG requirements (albeit very marginally) and this is therefore afforded neutral weight in the overall planning balance.

PLANNING BALANCE AND CONCLUSION

Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 2 and 219 of the National Planning Policy Framework (NPPF) state that the policies contained therein are material considerations which should be taken into account in dealing with applications. Paragraph 11 of the NPPF states that decision should apply a presumption in favour of sustainable development by approving development proposals that accord with an up-to-date development plan without delay.

NPPF Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that 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.

Further, the development would conflict with one of the five purposes that Green Belts serve through representing encroachment into the countryside. The development would negatively impact both spatially and visually upon openness. In conclusion, the conflict with purposes, taken together with the impact upon openness and definitional harm by reason of inappropriateness, culminate that very substantial weight should be attached to the harm to the Green Belt as a result of the proposal.

In summary, alongside the very substantial weight that should be attached to the harm to the Green Belt resulting from the development, other matters of harm comprising the inability to make a full assessment on the proposed foul drainage of the development should also attract significant weight as well as the limited harm on the setting of the nearby non-designated heritage assets through the design of the building which deviates from local vernacular.

Whilst substantial weight is to be given to any harm to the Green Belt, this matter is set against the overall marginal beneficial contribution of the development to the rural and local economy, to the increase in availability of tourist accommodation, to the contribution and opportunity to assist in tackling healthy inequality, the proposed BNG and its location immediately adjacent to the Pennine Bridleway which all attract either limited or neutral weight.

However, these benefits do not collectively substantially weigh in favour of the development as a whole. It is considered that the harm to the Green Belt by reason of inappropriateness, together with any other harm resulting from the proposal is not clearly outweighed by other considerations and consequently very special circumstances do not exist to support the grant of planning permission.

RECOMMENDATION

Planning permission is refused for the following reasons.

1. The proposed development comprises inappropriate development in the Green Belt that is harmful by definition and furthermore, fails to preserve the openness of the Green Belt and the purposes of including land within it through encroachment. Very special circumstances do not exist as the identified harm (by definition and other harm) is not clearly outweighed by other considerations, and the application is therefore contrary to policies PfE Policy JP-G9 (The Green Belt) and the National Planning Policy Framework.

2. Insufficient drainage information has been provided with the application. No details or specification of the existing septic tank have been submitted and therefore the Council are unable to ascertain whether satisfactory arrangements have been made for the disposal of sewage (foul water). Accordingly, the Council has been unable to make a full assessment of the proposed drainage contrary to Core Strategy Policy G8 (Managing Water Resources and Flood Risk) and UDP Saved Policy EM/8 – (Protection of Surface and Ground Water).

Procedure Statement

The development does not 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.

Report Author Nick Brookman