APPLICATION NUMBER: 19/01313/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
19/01313/FUL	Rachel Carney	25 August 2020

Address: Land Opposite 7 Sungate Branch Road Littleborough OL15 0AB

Proposal: Formation of new access to highway with timber gate and Construction of ramp with retaining wall - Retrospective

PUBLICITY	**Weekly list expired?**	y	**Site notice expired?**	n/a
	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

n	**Planning Panel comments received?**	n
	Neighbour comments received?	n

EIA	**Screening opinion completed and saved to Onbase?**	n

CONDITIONS	**Pre-commencement conditions proposed?**	n
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: KN DATE: 26.08.2020

SITE

The application relates to land that is opposite no. 7 Sungate, which is an end terrace cottage located on Branch Road, a quiet lane leading to Stubley Hall. The

site is accessed via a timber gate which is part of the current application and this leads a gravel ramp which is partially enclosed by a retaining dwarf wall.

PROPOSAL

The application proposes the formation of a new access from the highway and timber access gate and the construction of a ramp with retaining wall. These works are retrospective.

The proposed access is to replace part of a hedgerow that bounds the highway and the timber gate is a width of 5.9 with timber posts a height of 1.6m.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

P1 Improving image
P2 Protecting and enhancing character, landscape and heritage
P3 Improving design of new development
G4 Protecting green belt land
G6 Enhancing green infrastructure
G7 Increasing the value of biodiversity and geodiversity
DM1 General development requirements

Unitary Development Plan (UDP):

G/D/2 Green Belt

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

RELEVANT SITE HISTORY

18/01211/FUL - Erection of storage building/stable and a summer room on land adjacent to 7 Sungate – Refused

CONSULTATION RESPONSES

Gtr Manchester Ecology Unit
No objections

Highways And Engineering
No objections.

REPRESENTATIONS

The application has been publicised with neighbour notification letters and no representations have been received.

ANALYSIS

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

The NPPF identifies that the Green Belt serves five purposes::

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

Paragraph 145 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications, LPA's should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 144).

Paragraph 145 sets out the exceptions to inappropriate development in the Green Belt and these 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
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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 146 also set out certain other forms of development that are not inappropriate, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;
b) engineering operations;
c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The application proposes the creation of an access from the highway, installation of a gate and formation of an access ramp. No information has been submitted with the application to fully identify for what purpose the access and ramp is required, other than for access into the land, and the development does not clearly fall within any of the exceptions to inappropriate development listed above.

A Green Belt Statement has been submitted with the application and in respect of "inappropriate development" it states *'The retrospective works were necessary to maintain access for the site owner which in turn allows for the land to be well maintained and not detract from the wider Green Belt land surrounding the site. The retaining wall, completed as part of the retrospective works, also provided stability to a hedgerow which had begun to subside'.*

Whilst giving full consideration to the above, the application does not clearly detail for what purpose access to the adjacent land is required and how the adjacent land is currently used. Also, if it is to maintain access, maintain being the operative word, how was access previously provided and why is that no longer suitable?

The previous application which was refused (18/01211/FUL) proposed a store/stable building and a summer house, with the plans indicating that the store and stables would comprise four stables and a tractor shed/store. Under that application there was an assessment into whether the proposed works comprised or partly comprised agricultural development. It was however determined that no evidence submitted with the application demonstrated that the land was used for agricultural purposes.

A definition for agricultural land is provided under Part 6, Class B of the Town and Country Planning (General Permitted Development (England) Order 2015 (GPDO) and is defined under paragraph D.1 as *"land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business and excludes any dwellinghouse or garden"*

An agricultural unit is defined under Part 6 D.1 as, "*Agricultural land which is occupied as a unit for the purposes of agriculture, including –*

a) *Any dwelling or other building on that land occupied for the purposes of farming the land by the person who occupies the unit, or*
b) *Any dwelling on that land occupied by a farmworker."*

Further to the above, at the time of this application and the previous application (18/01211/FUL) there has been no evidence of agriculture taking place on the site (within the red line boundary or the blue edge that represents ownership at the time of the officer site visits), and there has been no evidence submitted with the application to demonstrate that there is an agricultural need, or indeed any need, for the creation of an access into the site. The previous application that included stables and a summer house (a domestic use) indicates indeed that this is not the case. Nonetheless, the LPA also recognised that equestrian uses could fall within the exception of appropriate facilities for outdoor sport or recreation. However, there is

also no evidence submitted with this application to demonstrate access is required for equestrian purposes either, and in any event, the works proposed must still be appropriate.

It is considered that the proposed development would not fall under any of the exceptions listed above and as such the application is considered to represent inappropriate development within the Green Belt. Under paragraph 143 of the NPPF it is stated, that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 continues by 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, is clearly outweighed by other considerations.

The material matters of the application are considered in full below. These allow an assessment into whether the application includes 'very special circumstances' so as to outweigh the harm caused to the green belt by reason of inappropriateness and any other harm.

Case for very special circumstance

The Green Belt Justification submitted with the application provides what the applicant considers to be 'very special circumstances'. This reads "*The retrospective works only sought to aid the Green Belt by improving stability of the hedgerow, provide necessary access to the site for the site owner. The Green Belt is not affected by any impact with the development being very minimal and the main visual alterations (new gate) has been completed with care and is sensitive to the Green Belt by matching the materials found on existing Green Belt land and being low enough so as not to detract from the Green Belt itself."*

As detailed above, the applicant has failed to provide information on why access to the site, in this location and in this form, is considered to be necessary. No information on how the applicant uses or intends to use the field and whether this access would be associated with an existing use. This is therefore not considered to demonstrate 'very special circumstances'.

It is also not clear who and why the hedgerow needed stabilising and this itself is not considered reason to create a new access and does not comprise 'very special circumstances'.

The applicant has failed to provide 'very special circumstances' that would outweigh the harm caused to the Green Belt by reason of inappropriateness.

Visual amenity and impact on openness

The application proposes the formation of an access onto the highway, the erection of a timber gate and the formation of an access ramp and retaining walls. Information submitted with the application states that *'The Green Belt is not affected by any impact with the development being very minimal and the main visual alteration (new gate) has been completed with care and is sensitive to the Green Belt by matching the materials found on existing Green Belt land and being low enough so as to not detract from the Green Belt itself.'* It also states, *'The…works do not detract from the openness of the greenbelt in any way and instead simply provide easier access to the site given the difference in levels.'*

In respect of the above the LPA recognise that the works undertaken are relatively minor, but this itself does not predetermine that the development is acceptable. The

access has been created where previously there was a hedgerow and unmanaged field. It also appears that a tree may have been removed (see photographs below).



Views of the access prior to development







Views of the site now

The new access, gate and ramp (and retaining walls) detract from the previously undeveloped character of the site and the development is isolated from the residential properties opposite. As detailed previously, there is no clear information as to why this access is required but currently is appears to be used for storage. The access and associated works are considered to detract from the largely undeveloped character of the surrounding landscape and in this respect the development is considered to impact on the openness of the Green Belt. The application is therefore unacceptable in this regard and contrary to policy D4, P1, P3 and DM1 of the Core Strategy.

Highway safety

The application proposes a new access onto the highway. Highway Services have confirmed that as the site is well removed from the wider transport network they have no objections to the proposals. The application is acceptable in this regard and in accordance with policy DM1 of the Core Strategy.

Ecology

Given that the development includes removal of part of a hedgerow it is considered important to assess the impact this may have had on the local ecology. The Greater Manchester Ecology Unit have therefore been consulted on the application and have advised that the development is unlikely to have had any substantive negative impact on biodiversity and as such they do not raise any objections to the application. They have however advised that if the ramp and retaining wall need to be removed, all materials should be removed and disposed of off-site at a suitable location with care taken to ensure that the materials do not spill further down the slope into the nearby dich or onto other habitats.

The development is acceptable in respect of ecology matters and accords with policy G7 of the Core Strategy.

Summary

The proposed development (retrospective) would represent inappropriate development within the Green Belt which is harmful by definition. It would also result in harm to the openness of the Green Belt. No very special circumstances exist which outweigh the harm that would arise to the Green Belt and to the visual amenity of the area and the application is therefore contrary to policies DM1, P1, P2, P4 and G4 of the adopted Rochdale Core Strategy and policy in the National Planning Policy Framework.

RECOMMENDATION

1. The proposed development would represent inappropriate development within the Green Belt which is harmful by definition. It would also result in harm to the openness of the Green Belt and detract from open landscape and visual amenity of the area. No very special circumstances exist to outweigh the harm that would arise to the Green Belt and other harm through the loss of visual amenity and the application is therefore contrary to policies DM1, P1, P2, P3 and 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 drawings :-

- Location Plan
- Existing and as Built Block Plans – Drawing no. 18.1826.4E
- Existing/as Build Details – Drawing no. 18.1826.6C

Report Author Rachel Carney