

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
25/00127/FUL	Sam Yuen	22/04/2026

Address: 5 Higher Ogden, Oakdene, Ogden Lane, Newhey, Milnrow, OL16 3TD

Proposal: Change of use to garden room to dwellinghouse including new residential curtilage, alteration to fenestration with associated car parking provision

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

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	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
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY:

DATE:

SITE

The application relates to a parcel of land within the curtilage of no. 5 Higher Ogden, also known as Oakdene, a two-storey dwelling of stone construction located in a rural context in Newhey. The property is located within the Green Belt and forms part of the Ogden Conservation Area, and is accessible via an unadopted road connected to Ogden Lane to the south.

The property in its current boundary benefits from a substantial landscaped garden area measuring circa 100m by 70m to the south of the host dwelling. Within the garden space and circa 15m south of the host dwelling sits a large, detached outbuilding of stone and render construction with a flat sedum roof. The outbuilding is accessible via a driveway which joins Ogden Lane.

Within the vicinity lies Higher Ogden Cottages, a Grade-II listed building.

PROPOSAL

Planning permission is sought for the change of use of the existing garden room outbuilding to an independent one-bedroom dwellinghouse.

The submitted plans do not indicate the enlargement of the outbuilding, however, the front garage door would be reduced in width with the insertion of a window and stone infilling of the residual wall space. The alterations would be constructed in materials matching the existing outbuilding.

The proposal would also result in the subdivision of the existing curtilage with the proposed dwelling occupying much of the curtilage space towards the south. No changes are proposed regarding the existing vehicle access.

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-G9 The Green Belt
Policy JP-P1 Sustainable Places
Policy JP-P2 Heritage

Adopted Rochdale Core Strategy (CS):

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

Supplementary Planning Documents (SPD): Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016)

RELEVANT SITE HISTORY

21/00759/CPE - Application for a certificate of lawfulness for an existing single storey detached building to be used for domestic purposes – Refuse – Appeal Allowed

19/00860/CPE - Application for a certificate of lawfulness for an existing single storey detached building used for domestic purposes – Refuse

14/01347/FUL - Change of use and conversion of outbuilding into dwelling (Resubmission of 13/01327/FUL). – Refuse

13/01327/FUL - Change of use and conversion of outbuilding into dwelling including the erection of a single storey extension to west facing elevation - Refuse

12/D55325 - Application For A Certificate Of Lawful Development For The Erection Of A Single Storey Detached Garage/Storage Building. – Grant

CONSULTATION RESPONSES

Conservation and Design

At the time of the outbuilding's construction, the Conservation Officer raised concerns about its appearance and that it was not in keeping with the surrounding dwellings. They also raised concerns about the materials used (ref: 13/01327/FUL). While these concerns remain, it is noted that the building has been confirmed to be lawful through a certificate of lawfulness which was previously granted on appeal.

Given that the existing building has been confirmed to be lawful and no external changes are proposed, with the existing driveway to be used, it is considered that the proposal would have a neutral impact on the significance of the Conservation Area and the nearby listed building, Higher Ogden Cottages.

The exercise of certain permitted development rights could result in a development which would have a greater negative impact on the significance of the Conservation Area and the setting of Higher Ogden Cottage. A condition should therefore be included removing permitted development rights under Class A, AA, B and E.

Subject to the above condition, there are no objections to the proposal.

REPRESENTATIONS

Neighbour notifications via letters were sent to surrounding properties. Two objection letters were received with the following representations:

- Objections have been submitted in the many previous retrospective applications.
- The outbuilding is unlawful in a conservation area and has been occupied by the owner, whilst the main dwelling has been used as a holiday let. The building should be put back to its original state or demolished.

Officer's Comments:

- Concerns relating to the principle of the development, including the lawful status of the outbuilding, are addressed under the 'Principle of Development' heading of the report.

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. 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 153 of the NPPF establishes that *"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."* Paragraph 154 further sets out that development in the Green Belt is inappropriate unless it complies with a specified list of exemptions.

The proposal relates to the change of use of an outbuilding to a residential dwellinghouse alongside a new residential curtilage. The lawful status of the building has been established in a previous Lawful Development Certificate (ref: 21/00759/CPE) which was approved at appeal. Whilst it was noted the building has not been constructed in accordance with the approved plans in the original certificate (ref: 12/D55325), the appeal decision (ref: APP/P4225/X/22/3309273) confirmed that the building was substantially completed for four or more years prior to the date of the application and therefore immune from enforcement action. The Inspector also considered the building to satisfy the test of being required for a purpose incidental to the enjoyment of the dwellinghouse and therefore the use of the outbuilding for domestic purposes was lawful.

With this in mind, the main consideration in assessing the principle of development is whether the proposed changes to the outbuilding constitute inappropriate development

within the Green Belt and if so, whether very special circumstances have been demonstrated which may outweigh the presumption against development.

The proposed changes to enable the use of the garden room outbuilding as a dwellinghouse comprises minor alterations to the front elevation garage door and the addition of one window and stone infilling. No enlargement to the building footprint is proposed. The proposal would therefore meet exemption (c) under Paragraph 154 of the Framework which permits 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. Consequently, no harm has been identified in respect of harm to the openness of the Green Belt.

The proposed site plan also indicates the formation of a new residential curtilage (as shown on drawing no. A2406/7) through the subdivision of the current curtilage of Oakdene. Historic evidence through satellite imagery indicates this parcel of land to be landscaped as far back as 2005, prior to the construction of the current outbuilding. During the Officer's site visit, it was evident this space has been landscaped and maintained in such a manner which is consistent with the use of a residential garden rather than open agricultural land. It was also observed there is a clear delineation between the edge of the land which has been landscaped and the adjacent fields which is separated by dry stone walls. Given this and considering the passage of time to which the land has been maintained, it is considered the use of this space as a residential curtilage is acceptable. No enlargement of the existing curtilage is proposed and as such, the proposed curtilage is not considered to result in harm to the openness of the Green Belt.

In light of the above assessment, it is considered the proposed development would meet inappropriate development exception (c) which would allow for 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. No harm through inappropriateness has been identified and no additional harm with regard to the openness of the Green Belt has been identified.

It is noted the creation of a separate residential unit from a building previously used for a purpose ancillary to the enjoyment of Oakdene could result in an intensification of activities and introduce paraphernalia and outbuildings associated with a household residing at the property. Given the substantial size of the proposed curtilage space to which additional buildings and structures may be constructed, it would be reasonable to recommend a condition restricting permitted development rights under Class A, AA and E as to prevent suburbanisation and harm to the openness of the Green Belt.

Subject to condition, the proposal would accord with Policy JP-G9 of the adopted PfE and the National Planning Policy Framework.

Design and Heritage

The NPPF states achieving good design is a key aspect of sustainable development, and decisions should ensure developments are visually attractive and sympathetic to

local character. This is also reflected in PfE Policy JP-P1 and CS Policies DM1 and P3, which require development to respect local context with regard to siting, size, scale, massing, height and materials.

The application site is located within the Ogden Conservation Area and within the setting of Grade-II listed Higher Ogden Cottages. Therefore regard has been had to Section 72(1) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, PfE Policy JP-P2 and Core Strategy Policy P2, which require special regard to the desirability of preserving any conservation area and designated heritage assets and its setting.

In the Officer's report in 13/01327/FUL, concerns were raised regarding the built form and material finish of the outbuilding, which would not be in keeping with the setting of the listed building and the surrounding conservation area. Notwithstanding the design and heritage concerns, it is accepted the building has been confirmed to be lawful. The application does not propose changes to the outbuilding and curtilage beyond alterations to the front-facing garage door, windows and stonework, which are not considered to result in a material visual impact to the character and appearance of the building and the surrounding area. The proposed alterations would also have a neutral impact on the significance of Ogden Conservation Area and to the setting of Higher Ogden Cottages.

It is noted that further enlargements and alterations to the outbuilding could emphasises elements of the outbuilding which are out of keeping with the surrounding context, and result in a greater negative impact on the significance of the conservation area and the setting of the listed building. In the interest of safeguarding the heritage interest and significance of the designated heritage assets, a condition has been recommended to restrict the exercise of permitted development rights under Class A, AA and E.

Subject to condition, the proposed design would be acceptable in accordance with Core Strategy Policy P2 and P3, PfE Policy JP-P2 and the NPPF.

Amenity

No adverse amenity harm has been identified in terms of overlooking impacts to neighbouring properties. The submitted plans indicate the internal layout to comply with the *nationally described space standards*, the provision of natural light to all habitable rooms and that sufficient garden space of a functional layout would be retained. As such, the proposed works would ensure an acceptable standard of living for existing and future occupants.

The proposal is therefore acceptable in accordance with Core Strategy Policy DM1, the SPD and the NPPF.

Highways and Parking

The host property currently comprises directly vehicle access to the outbuilding from the unadopted road, which would be retained under the proposed plans. The proposal

would not have a significant impact to highway capacity. The proposed arrangements are therefore acceptable in accordance with Core Strategy Policies DM1 and T2 and the NPPF.

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Procedure Statement

Notes for Applicant: