

Application Number:	18/00409/FUL
Proposal:	Use of outbuilding as two-bedroom bungalow
Site:	Land adjacent to 30 Ivy Cottages, Denton
Applicant:	Mr N Corbett
Recommendation:	Approve
Reason for report:	Councillor George Newton has requested that the application be determined by Speakers Panel.

REPORT

1. APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission to convert an existing detached single storey building located within the garden area of 30 Ivy Cottages into a two bedroomed bungalow. The building is currently unused but was last in use as residential accommodation (for a temporary period of 12 months) in 2007.
- 1.2 There are no alterations (other than the removal of a partition wall) proposed to the existing internal layout. For clarification, this will comprise of two bedrooms, a bathroom, lounge, kitchen, utility room and store at ground floor level. Externally the existing window and door openings, block work, render and timber cladding to the front, side and rear elevations will remain.
- 1.3 An amended site layout plan has been submitted with the application which includes the following:
 - The formation of a new boundary within the garden area separating the existing and proposed dwelling houses;
 - 4 No vehicular parking spaces within the garden area of 30 Ivy Cottages, access to which will be taken from the existing access road in front of Ivy Cottages. The parking spaces will serve both 30 Ivy Cottages and the new dwelling house.
 - The incorporation of the access road serving Ivy Cottages from the junction with Meadow Lane up to the boundary within the application site.
 - Removal of the existing car parking area adjacent to the site from application site boundary.

2. SITE & SURROUNDINGS

- 2.1 The application site comprises of the access road serving residential properties known as 'Ivy Cottages' and part of the side garden area of the residential property at 30 Ivy Cottages, Denton. The site itself is a roughly rectangular parcel of land some 0.10 hectares in area which is currently landscaped and enclosed on its south and eastern boundaries by a 2 metre high wooden fence. An area of woodland adjoins the site on its northern boundary. An existing gate on the southern boundary provides access into the site.
- 2.2 Within the garden area, there is a detached, single storey 'L' shaped building constructed of block work to the external elevations with a tiled pitched roof. This building was last used for residential purposes for a temporary period of 12 months in 2007. Although currently unoccupied, internally the building is still laid out and furnished for a residential use.

2.3 The site lies wholly within the green belt as allocated on the UDP Proposals Map.

3. PLANNING HISTORY

- 3.1 06/01033/FUL – Temporary change of use to dwelling – Retrospective – Approved on 15 September 2006
- 3.2 05/01601/FUL – Temporary change of use of existing kennels to dwelling – Withdrawn on 7 December 2005
- 3.3 05/01411/FUL - Proposed conservatory to side, single storey rear extension and front porch – Approved on 21 November 2005
- 3.4 03/00598/FUL – Two storey side extension, side veranda and front porch – Approved on 11 June 2003
- 3.5 75/08/04321 – Boarding Cattery – Approved on 19 April 1977
- 3.6 75/08/03807 – Boarding cattery on vacant land – Approved on 24 November 1976
- 3.7 75/08/01968 – Internal modernisation – Approved on 17 September 1975

4. RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Within the Green Belt and boundary of the Haughton Green Supplementary Planning Document Site Area

Part 1 Policies

- 1.3: Creating a Cleaner and Greener Environment.
- 1.4: Providing More Choice and Quality Homes.
- 1.5: Following the Principles of Sustainable Development
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

Part 2 Policies

- OL1: Protection of the Green Belt
- OL2: Existing Buildings in the Green Belt
- H4: Type, size and affordability of dwellings
- H9: Backland and Garden Development
- H10: Detailed Design of Housing Developments
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T10: Parking
- C1: Townscape and Urban Form
- N4: Trees and Woodland.
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- U3: Water Services for Developments
- U4 Flood Prevention
- U5 Energy Efficiency

4.2 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2016;
Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.
Haughton Green Supplementary Planning Document adopted in September 2017

4.3 National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting safe and healthy communities
Section 12: Achieving well designed places
Section 13: Protecting Green Belt Land
Section 15: Conserving and enhancing the natural environment

4.4 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5. PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

6. RESPONSES FROM CONSULTEES

- 6.1 Head of Environmental Services – Highways - No comments received
- 6.2 Head of Environmental Services – Environmental Health – No objections.
- 6.3 Environment Agency – no comments received
- 6.4 Greater Manchester Ecology Unit (GMEU) confirm that whilst the application site is surrounded by mature woodland it would appear that the former stables have already been converted for residential use and no further significant works are needed to regularise the apparent recent use as a dwelling. In this case it is not considered that the proposal would cause any ecological harm and therefore there are no objections to the scheme on nature conservation grounds.

7. SUMMARY OF COUNCILLOR AND THIRD PARTY RESPONSES RECEIVED

- 7.1 Councillor George Newton on behalf of all Denton South Ward Members has objected to the application for the following reasons:
- The application site lies within the Green Belt
 - The alleged current use of the building as a kennel is allowed in the Green Belt. Developing a three bedroomed bungalow is not.
 - The development would be contrary to UDP Policy OL15 Openness and Appearance of River Valleys. The proposal would adversely affect the character of the Tame Valley and set a dangerous precedent for properties that back onto the valley.

- The proposal would be contrary to UDP Policy OL2 in that it has a materially greater impact than the present use and results in a disproportionate addition to the original building.
- There is no access road to this property and granting planning permission may risk opening up the Tame Valley for such an access road.
- The car park is not a permitted use within the green belt.
- Object to any 'non essential' development within the Tame Valley which is already threatened by proposals to extend Bredbury Industrial Estate.

7.2 Three letters of objection including one containing 9 signatures have been received. Main points raised:

- The current building is entirely unsuitable for occupation as a dwelling as none of its floor, walls or roof complies with current Building Regulations with respect to a dwelling house.
- The Structural Survey was based on a visual inspection with no trial holes excavated. The construction and 'technical suitability' as an independent dwelling is queried.
- The proposal does have a materially greater impact (on the green belt) than the present use. The present use as kennels for racing greyhounds belonging to 30 Ivy Cottages has little or no impact on the Green Belt. The proposed use as a dwelling will have a significant impact in that it will introduce residents, vehicles, visitors, parking and other traffic not associated with the current use, in addition to construction traffic associated with the works required to carry out the alterations.
- The building does not have planning permission for a residential use.
- Damage to highway resulting from proposal.
- Proximity of application site to watercourse
- The temporary use of outbuilding as a dwelling house expired on 13 March 2007. The current use of the site is as kennels.
- It should be noted that the site is surrounded by mature trees and hedges.
- The Certificate of ownership has not been completed correctly.

8. ANALYSIS

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material planning considerations indicate otherwise. Material planning considerations include the NPPF.

The site is located wholly within the Green Belt on the Proposals Map associated with the Unitary Development Plan for Tameside (2004). In accordance with the revised NPPF and Tameside UDP policies the main issues raised by the application relate to the following:

- The principle of development;
- The effect on the openness of the Green Belt and the character and appearance of the area
- the impact on the residential amenity of neighbouring properties;
- impact on highway safety

8.2 These matters are considered in more detail below.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The site lies wholly within the Green Belt as identified on the UDP Proposals Map. Accordingly the main issue in the determination of this application relates to whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (NPPF), having regard to the nature of the development and its effect upon the openness of the Green Belt.
- 9.2 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF identifies certain forms of development which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. One of these development forms is the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 9.3 UDP policies OL1 and OL2 relate to the protection of the green belt and existing buildings in the green belt and, amongst other things, seek to protect the Green Belt from inappropriate development.
- 9.4 The application relates to the re use of an existing building which is constructed of block work with a tiled roof. A Structural Survey has been submitted with the application which concludes that the building is 'technically suitable' for use as an independent dwelling and the plans submitted with the application indicate that only minor alterations are required to enable the buildings conversion. As a result therefore, it is considered that the building is of permanent and substantial construction and capable of conversion without substantial re-building.
- 9.5 Given that the building is already in situ on the site, the proposal to use it as a residential dwelling would not result in a loss of openness to the Green Belt, or conflict with the purposes of including the land within it. It is therefore concluded that the proposal would not represent inappropriate development within the Green Belt.

10. THE EFFECT ON THE OPENNESS OF THE GREEN BELT AND THE CHARACTER AND APPEARANCE OF THE AREA

- 10.1 The NPPF considers openness to be an essential characteristic of the Green Belt. The proposal would introduce a new dwelling next to the existing row of dwellings at Ivy Cottages and would inevitably introduce a higher degree of residential paraphernalia within the combined sites. It is accepted that this could have implications for the existing character and appearance of the surrounding area.
- 10.2 The plans submitted with the proposal indicate that the domestic curtilage of the dwelling would be limited to that of the existing dwelling house, 30 Ivy Cottage and would not extend beyond the boundary fence of the existing property. Further, the garden and parking area for the dwelling would be in an area enclosed by the existing boundary fence and gates, which would prevent visual encroachment of the domestic use to the surrounding countryside. In these respects the development would not be at odds with the purposes of the Green Belt.
- 10.3 Access to the new dwelling would be via the existing access road in front of Ivy Cottages and would not represent encroachment of development into the countryside or conflict with the purpose of including land in the Green Belt.

11. RESIDENTIAL AMENITY

- 11.1 With regard to impact on residential amenity, it is considered that the proposal allows for a sufficient privacy and separation distance to be retained to the adjoining property at 30 Ivy Cottages so as not to result in any adverse impact on the existing or proposed occupiers.
- 11.2 The proposed sub division of the site allows sufficient garden area to be retained to the existing dwelling house at 30 Ivy Cottages and for the proposed dwelling house. In this regard the proposal is acceptable.
- 11.3 The proposed development would also provide acceptable living conditions for future occupants, with regard to outlook, privacy and daylight. It would therefore not conflict with the UDP Policies H9 and H10 which states that development should not adversely affect the amenities of the surrounding area and should provide adequate separation and privacy distances. It would also comply with the NPPF requirement to secure a good standard of amenity for current and future occupiers.

12. HIGHWAY SAFETY

- 12.1 The proposed means of access to the site is acceptable. There would be sufficient space within the site to provide adequate turning space and 2 car parking spaces per property, meeting the requirements of the Residential Design Guide. The Local Highway Authority has not raised any objection to the proposals, subject to a condition requiring the parking spaces to be laid out in accordance with the approved details prior to the occupation of the dwellings.

13. OTHER MATTERS

- 13.1 In relation to flood risk, the site is located within Flood Zone 1 and is therefore at a lower risk of flooding.
- 13.2 In accordance with the Written Ministerial Statement (WMS) of 28 November 2014, no tariff based contributions are to be sought in relation to affordable housing, open space or education provision, as the proposal would not exceed 10 dwellings. The WMS is a material planning consideration, forming part of the Planning Practice Guidance. Given the need to boost the supply of housing in sustainable locations as required by Section 5 of the NPPF, it is considered that financial contributions would not be necessary to make the scheme acceptable in planning terms, had all other material considerations been satisfied.

14. RECOMMENDATION:

Approve subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following amended plans/details received by the Council on 13 and 28 November 2018:

018-203-02B 'Proposed Plans and Elevations'
018-203-01A 'Existing Plans and Elevations'

3. Prior to the first occupation of the building hereby approved, the parking and turning areas shown on the approved drawings shall be provided in full and thereafter shall be made available at all times for their designated purposes.
4. Notwithstanding the provisions of Classes A, B, C,D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended (including any alterations to its roof) no new windows shall be inserted and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.