

Application Number:	22/01041/FUL
Proposal:	Change of use of existing two bedroom annex to a residential dwelling.
Site:	Land adjacent to 30 Ivy Cottages, Denton, M34 7PZ
Applicant:	Ms Julie Bowers
Recommendation:	Refuse planning permission.
Reason for Report:	A Speakers Panel decision is because the application has been called in by Councillor Reid.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 Ivy Cottages comprise a row of terraced houses off Meadow Lane that face out across the access road in front towards open land in the valley of the River Tame. Parcels of land on the opposite side of the access road are used as gardens. The access road terminates in front of 30 Ivy Cottages and then narrows and continues as a footpath.
- 1.2 The application relates to a detached, single-storey, L-shaped building located in the garden at the side of 30 Ivy Cottages. The building is pitch roofed with rendered walls, having a domestic appearance, and sits low in the landscape as the land falls away eastwards in to the valley. The side garden is bounded to the south and east by a high timber-boarded fence and to the north by a densely wooded area. The garden is accessed via double gates at the end of the access road.

2. PROPOSAL

- 2.1 The building to which the application relates was constructed originally as a permitted development and was used to kennel dogs, incidental to the residential use of 30 Ivy Cottages. Full planning permission (ref. 06/01033/FUL) was then granted in September 2006 for the temporary change of use of the building to a dwelling whilst the host property, 30 Ivy Cottages, was being extended and refurbished. The permission was conditional upon:

The use authorised by this permission shall cease not later than 13 March 2007 and the building shall revert to a non-residential use. The building shall not be occupied on a permanent basis for residential accommodation unless there is a specific grant of planning permission.

- 2.2 The temporary change of use was to involve an internal reconfiguration so as to include 3 small bedrooms, a kitchen, a lounge and a bathroom.
- 2.3 The application seeks planning permission to change the use of the building to a discrete and permanent residential dwelling. Drawings submitted with the application show the building as including 2-bedrooms, a kitchen, a lounge, and utility and store rooms.
- 2.4 Part of the existing garden at 30 Ivy Cottages would be retained, and include 2 dedicated car parking spaces, for use by occupiers of the existing house. The land surrounding the building to which the application relates would form a garden for the proposed house and include 2

dedicated car parking spaces. There would be shared access to both gardens through the existing gates at the end of the access road.

3. PLANNING HISTORY

- 3.1 18/00409/FUL - Use of outbuilding as a two-bedroom bungalow.
Application refused 17.01.2019
Appeal dismissed 22.09.2019
- 3.2 06/01033/FUL – Temporary change of use to dwelling (Retrospective).
Application approved 15.09.2006

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

Part 1 Policies

- 1.3: Creating a Cleaner and Greener Environment
- 1.5: Following the Principles of Sustainable Development;
- 1.10: Protecting and Enhancing the Natural Environment
- 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 Development

- T1: Highway Improvement and Traffic Management
- T10: Parking
- C1: Townscape and Urban Form

Supplementary Planning Documents

4.5 Residential Design Supplementary Planning Document

Places for Everyone

4.6 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.7 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.8 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

Other Considerations

4.9 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.10 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

5.1 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 the application has been advertised as a departure from the development plan by neighbour notification letters, display of site notice; and advertisement in the local press..

6. SUMMARY OF THIRD PARTY RESPONSES

6.1 Objections have been received from three residents. The grounds given for objecting are:

- The same proposal has been refused previously, although it is alleged that the building has been rented as a separate residence;

- The building is not a permanent dwelling and so the same considerations should apply as if the proposal was for a new build in the green belt;
- To allow the application would set a precedent for further development; and
- Traffic flows along the narrow access road would be exacerbated.

6.2 Both Andrew Gwynne MP and Councillor Reid have objected on the grounds that:

- Contrary to both national and local planning policies, the proposal would diminish the openness of the green belt without there being any very special circumstances to indicate that what is considered an inappropriate development in the green belt should be allowed; and
- An application that constituted the same proposal was refused previously by the Council, and an appeal against that decision was dismissed.

7. RESPONSES FROM CONSULTEES

7.1 The Coal Authority has offered no objection.

7.2 The Greater Manchester Ecology Units has offered no comments.

7.3 The Environment Agency has referred to issued Flood Risk Standing Advice.

7.4 The Head of Environmental Services (Public Protection) has offered no objection and suggested that any permission be conditional upon a restriction on the hours of conversion work, and include a note regarding the responsibility to properly address contaminated land issues, including safe development and secure occupancy, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

7.5 The local highways authority considers that the development would not have an unacceptable impact on highway safety, or that the residual cumulative impact on the road network would be severe, and so has raised no objection and has suggested that a condition requiring cycle storage facilities be attached to any permission.

8. ANALYSIS

8.1 The site is located entirely within the green belt as allocated on the Proposals Map associated with the Unitary Development Plan for Tameside (2004). Therefore the main issues to consider are:

- Whether, in principle, the proposal would be inappropriate development in the green belt and, if it is, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations that would amount to the very special circumstances required to justify the proposal;
- The appropriateness of the access arrangements;
- The impact on existing residential amenities; and
- The residential environment that would be created.

9. PRINCIPLE

9.1 The NPPF states that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open and that their essential characteristics are their openness and permanence. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 150 of the NPPF then identifies certain developments that are not inappropriate in the green belt, and this

includes the re-use of buildings provided that the buildings are of permanent and substantial construction, and as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within it. This approach is broadly consistent with policy OL1 and policy OL2 of the UDP.

- 9.2 A Basic Building Report submitted with the application demonstrates that the main elements of the existing building are structurally sound and will accommodate the proposed conversion. The proposal would not increase the footprint of the building and there are existing boundary treatments that reduce views of the building.
- 9.3 The proposals define a curtilage for the proposed discrete dwelling together with the curtilage that would remain for the existing house. The proposed conversion would result in a dwelling within the existing curtilage to 30 Ivy Cottages where the outdoor amenity areas are currently used by the existing householder. The extent of residential curtilage would be unaltered. Nevertheless, whilst the building subject to the application has been used for residential accommodation in the past, the proposal would result in a physically and functionally separate dwellinghouse. That type of use is likely to result in a significant visual change to the character of the building and the wider site. The subdivision of the plot would increase domesticity and spread of paraphernalia such as washing line, waste containers, and outdoor furniture. The development would result in additional comings and goings over and above those associated with the residential use of 30 Ivy Cottages. Even the parking of additional vehicles within the site would reduce openness.
- 9.4 The development would lead to an intensified residential use and thus substantially diminish the open aspect of this part of the green belt. It would result in material loss in openness in visual and spatial terms. In addition, the development would encroach into the green belt given the nature and scale of the building's residential use. This would conflict with one of the purposes of designating land inside the green belt.

10. ACCESS ARRANGEMENTS

- 10.1 The proposal includes the provision of 2 dedicated car parking spaces within the curtilage created for the proposed dwelling and 2 dedicated car parking spaces for use by occupiers of 30 Ivy Cottages within the retained curtilage. It is not expected that the additional vehicle movements generated by the development would cause a residual cumulative impact on the road network that would be severe. No objection has been received to the proposals from the local highways authority and so it is not considered that there would not be a severe impact on the highway network as a result of the development so that the proposal is compliant with policies H10(b) and T1 of the UDP and Section 9 of the NPPF.

11. EXISTING RESIDENTIAL AMENITIES

- 11.1 The building is located beyond the end of the terrace of houses and is relatively isolated from its neighbours. There are no existing houses in front or behind. In this location there would be no unacceptable impact on the amenities of existing residents in terms of over-looking, over-shadowing, and noise, so that in these respects the proposal is considered acceptable and compliant with policy H10(d) of the UDP and policy RD5 of the SPD.

12. RESIDENTIAL ENVIRONMENT CREATED

- 12.1 Section 12 of the NPPF states that developments should create places with a high standard of amenity for existing and future users, in order for the proposed layout to be considered acceptable, also in accordance with the requirement of UDP policy H10(a). The design of proposed housing developments, which are acceptable in relation to other relevant policies

in the plan, must meet the needs of the potential occupiers. To this end policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical Housing Standards – nationally described space standard document (THS).

- 12.2 THS require that 2-bedroom, 3-person, single-storey dwellings provide a minimum gross internal floor area of 61sqm, and that, in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm and is at least 2.15m wide. The proposed house would provide approximately 69sqm of internal floorspace, and so satisfy THS requirements. The proposed layout provides for an adequate garden for the proposed house whilst retaining commensurate outdoor amenity space at 30 Ivy Cottages.

13. CONCLUSION

- 13.1 In terms of its component dimensions there would be a small social benefit in providing an extra housing unit. Economic advantages would also arise from the occupation of a new house. Nevertheless, the proposal constitutes inappropriate development in the green belt. There is conflict with purposes of including land within the green belt. Accordingly, the development conflicts with local and national planning policies that are intended to prevent urban sprawl by keeping land permanently open. The planning history of the outbuilding can be afforded little weight in the planning balance given the temporary nature of the previous self-contained residential use. There being no very special circumstances to justify the grant of a planning permission, when assessed against policies designed to protect the green belt from inappropriate development the adverse impacts would significantly and demonstrably outweigh the benefits.

RECOMMENDATION

That planning permission be refused for the following reason:

The development would lead to an intensified residential use and thus substantially diminish the open aspect of this part of the green belt. It would result in material loss in openness in visual and spatial terms. In addition, the development would encroach into the green belt given the nature and scale of the building's residential use. This would conflict with one of the purposes of designating land inside the green belt. The development would fail to preserve openness of the green belt and it would conflict with the purposes of including land within it, thus it would constitute inappropriate development in the green belt and conflict with Policies OL1 and OL2 of the UPD, and the Framework.