

Green Belt Statement

To Accompany the Householder Planning Application at:
The Old Sunday School, Hill End Road, Delph, Oldham, OL3 5JA.

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1. Introduction

This green belt statement has been prepared on behalf of our client in regard to the proposed renovation and extension works at The Old Sunday School, Hill End Road, Delph, Oldham. The site/building is located on a narrow lane accessed via Hill End Road near the junction of High Street, Denshaw Road and Delph Lane, with a latitude and longitude of 53° 34'07"N , 002° 01'22"W. The postcode for the site is OL3 5JA.

The current situation with the property is that it:

- Has access issues externally which prevent use of the property's garden/amenity spaces.
- Has a small kitchen inadequate for a modern family.
- The higher level shed and terrace is in a dilapidated condition and cannot be occupied in its present state.
- The ground floor internal spaces are dark due to steel bars covering windows for security which affects amenity.
- The external stone 'steps' to access the first floor shed and terrace are impractical, dangerous and do not comply with Approved Document K of the UK Building Regulations.
- The kitchen does not have direct access to the side patio.

Our aim under this application is to partially renovate a number of rooms within the existing dwelling, upgrade the garage to be a habitable room, extend the detached garage outwards by 2.7m on the ground floor and extend the garage upwards on the first floor to replace a dilapidated and unused timber shed and high-level terrace. We are also proposing to improve the access between the ground and first floor patios, making use of a space left in disrepair due to poor and dangerous access. The alterations have been carefully considered in order to respect and contribute to the heritage asset of the original building and its significance whilst remaining subservient but providing a layout that better reflects the needs of modern family life and to create a unified character to the external elevations in order to solve the aforementioned issues which will in turn preserve the future of a prominent landmark within the village of Delph.

The proposals include:

- Demolish the existing stone 'steps' at the front of the garage.
- Demolish the first floor timber shed.
- Upgrade the detached garage to a habitable room, to be extended to the front on the ground floor by 2.7m with a terrace above and to be extended upward to the first floor in replacement of the timber shed.
- Rearrange the kitchen and family spaces and introduce a new rear WC and utility room to make the home accessible and add an element of future-proofing.
- Create a new entrance area (with a new coats and boots store) from the rear that doesn't impact on the original main elevation.
- Refurbish and reposition the family bathroom creating space for a walk-in wardrobe off of bedroom 3.

- Refurbish and reposition the master en-suite creating space for a walk-in wardrobe off bedroom 2.
- Add to the very limited amount of storage.
- Provide a new first floor balcony above the existing rear porch accessed from bedroom 2 to knit the two first floor levels together.
- Remove and reposition 2 no. existing roof openings with the addition of 5 no. new roof windows in the detached structure and 1 no. new roof light in the main roof.

This statement is intended to clarify that the proposals are in full accordance with the requirements of the National Planning Policy Framework (March 2018), Section 13 – Protecting Green Belt Land.

The enclosed drawings may not be to standard scales, due to the need to represent them at the largest possible scale for clarity; as such scale bars have not been included; instead please refer to the planning drawings contained within the application for 'to scale' drawings.

2. The Building

2a. The Original Building

The term original in planning terms relates to a defined term and is described in the Planning Portal Glossary.

- *'...a building as it existed on 1st July 1948 where it was built before that date, and as it was built when after that date.'*

The Landmark Historical Map for 1948 below shows the extents of the original building.

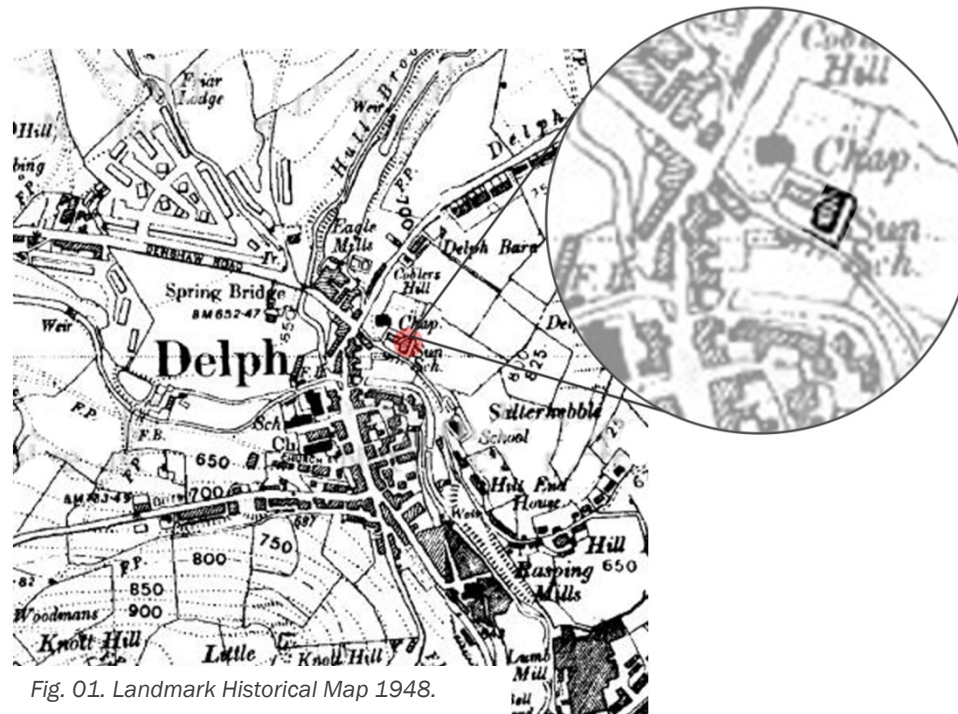


Fig. 01. Landmark Historical Map 1948.

3. Green Belt Statement

Introduction and Policy

Extensions to buildings within green belt land are subject to specific criteria. The aim of Government green belt policy is to prevent urban sprawl by keeping land permanently open. The National Planning Policy Framework (March 2018) under Section 13) Protecting Green Belt Land provides five 'purposes' of Green Belt policy in paragraph 134, these are:

- 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 preserve 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.*

Local planning authorities are instructed to regard the construction of new buildings within the green belt as inappropriate. However there are exceptions to the policy; Paragraph 145 states:

145. A local planning authority should regard the construction of new buildings as inappropriate in green belt. Exceptions to this are:

- a) *buildings for agriculture and forestry;*
- b) *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, etc...*
- 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, etc...*
- e) *limited infilling in villages, and limited affordable housing for local community needs, etc...*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- 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.*

This Green Belt Statement will focus on the two areas of exceptions to green belt policy that apply to this proposal:

- 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;*
- g. *the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt*

In addition, as recent case law has proved, considering the **visual impact** is vital in assessing the impact on the openness of the green belt.

4. Exception based upon disproportionate additions to the site and visual impact to the Green Belt

4a. The Existing Building

The existing building was extended at the rear comprising a stone porch adjoining a 4.5m high brick wall that makes up the northwest facade of a dual bay detached garage. To the southwest facade is a storage cupboard along with a stone build-out providing access to a first floor terrace and timber shed. No planning application can be found for these alterations, thus it is uncertain when the work was carried out.

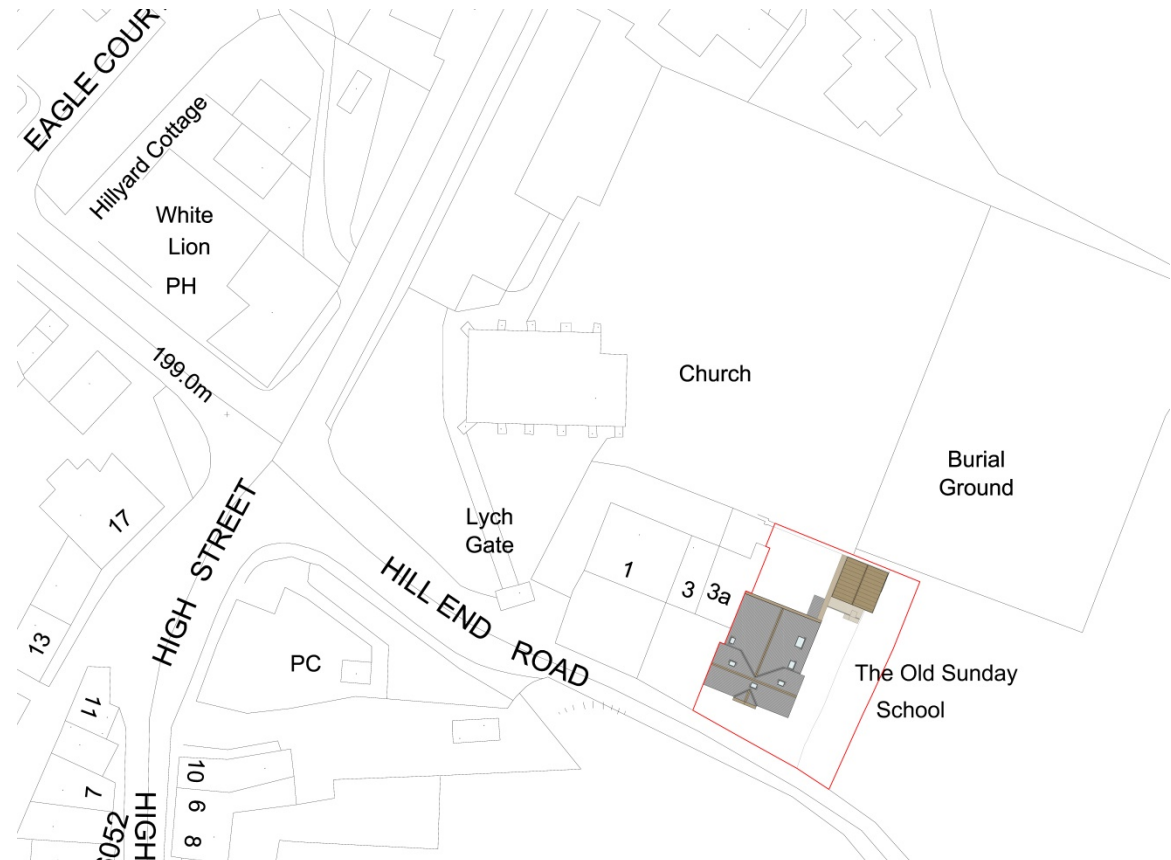


Fig. 02. Existing site layout plan & land ownership plan.

4b. Proposed Additions and Alterations

This section will look at how our proposed additions/alterations would affect the appearance and visual impact of the building and the site.

The proposed extensions are located to the north – east of the site. The ground floor addition extends 2.7m from the existing detached garage and aligns with the stone retaining wall of the adjacent sloping hillside. The existing garage is to be renovated to become a habitable room and is to be opened up to the new extension providing an open plan study and garden room with a first floor balcony. The first floor extension replaces a dilapidated and unusable timber shed providing a new internal access to the first floor terrace from the study and sun room. The rear stone porch is to be extended upwards allowing for a new balcony accessed from an external door opening from bedroom 2. The alterations sit nestled between two stone and brick retaining walls to the north and northwest of the site and the original dwelling to the southwest. HNA have carefully considered the design so as to replace and enhance a former unsightly and out of character addition to the original building, as shown in the below images.



Fig. 03. The Existing Building.

The diagram below shows the existing and proposed front elevations along with the adjacent retaining wall along the curtilage of the green belt site. The highlighted area on the proposed elevations show that the new first floor extension is a minor increase over the size of the existing timber shed but most importantly remains subservient to the former Sunday School, helping to retain the character of the original building and to cause very little visual impact to the site.



Fig. 04. Site massing diagram.

The ground floor single storey extension and garage alterations provide an open plan layout for a study and garden room allowing for new views over the surrounding village and countryside whilst providing access out onto the southeast terrace. The altered existing ground floor spaces make way for an open plan kitchen and family space overlooking the east of the site. An outdoor sheltered walkway set back from the rear façade is to be upgraded to become a new utility, entrance and coats store creating better access for the homeowner and visitors from the rear parking courtyard. The former porch provides a link between the two ground floor open plan spaces and is to be extended upwards providing an outdoor link/balcony between bedroom 2 and the sun room. These design considerations have been implemented to ensure that the occupant can enjoy their home to the standards of modern living and enjoy the views over the locality of Delph and the surrounding green belt land in order to ensure longevity of the dwelling and preserve a heritage asset without causing impact upon the green belt.

HNA have followed specific criteria as set out in Government green belt policy to ensure the proposals cannot be considered as disproportionate additions over and above the size of the original building. However the NPPF does not specify a particular quantitative limit, and therefore it is up to the decision taker to consider whether an extension is disproportionate having regard to the details of the proposal and its setting. As stated in Section 3 of this report, ‘visual impact’ is an important consideration when assessing impact on the openness of the greenbelt.

In this instance the ground floor extension slightly exceeds the limits of the existing footprint, as shown in the below diagram. The extent of the external walls of the new first floor extension follow the same footprint as the former timber shed to stay within the limits of previously developed land within the curtilage of the green belt. Therefore, it is questionable as to whether infilling this area can be considered as a change to footprint. This design decision replaces a first floor space which is currently difficult to use due to the poor haphazard access. The new stone extensions provide a visual enhancement of a somewhat unsightly and unmaintained area of the existing site, keeping the heritage asset in good repair for future generations.



Fig. 05. Visual and volumetric comparison diagram.

The extensions are designed in style and massing to complement the existing features of the dwelling. The steep sloping pitched roof of the extension follows a similar orientation to that of the main dwelling and the proposed window fenestrations follow the same size and repetition as the northwest, southwest and southeast facing elevations. All new walls are proposed to be natural stonework to match the existing and new roof finishes are to be slate, in-keeping with the former Sunday School and the surrounding cottages constructed in the typical Saddleworth vernacular.

Given the modest nature of the proposed build, it would seem reasonable to conclude that the proposed extension subject of this householder application would continue to fall within the bounds of tolerance insofar as development in the green belt is concerned. We believe that the proposed extensions are not disproportionate additions as we will be partially removing the old dilapidated extensions and unifying the building together into a more cohesive interior and exterior.

Also we believe that to approach the proposals on the basis that any proposed change has a greater impact on the openness of the green belt, rather than considering the actual impact or harm wrought by that change should include an assessment of visual or perceived impacts. It is not simply a matter of whether there has been a quantitative increase in built form.

In terms of a greater impact on the openness of the green belt, the proposals would have very little effect as it does not significantly impact the visual amenity of the site from the surrounding green belt – see also Section 5, in particular paragraph 5.4.

With this in mind we believe our proposals are in complete accordance with the criteria for exceptions to Greenbelt policy. Furthermore our proposals do not contravene any of the 'five purposes' of green belt policy.

5. Exception Based Upon the Impact on to the Openness of the Green Belt

The proposals are to replace the poor quality ground and first floor extensions with new ground and first floor extensions which cover a slightly larger footprint / area (and as a consequence a slightly larger overall volume). However from every viewing angle the proposals have no visual impact on the openness of the green belt as they are either:

1. Screened by the existing building
2. Set in front of the existing stone wall running parallel to Hill End Road.
3. Set in front of the hillside immediately behind.
4. Screened by the adjacent hillside and stone retaining wall.

Recent Case Law has proved that considering the visual impact is vital in assessing the impact on the openness of the green belt as follows:

Euro Garages Ltd vs. SoC for CLG and Cheshire West and Chester Council Judgment (2018)

5.1 This recent High Court Ruling related to unauthorised works to a petrol filling station at Red Ensign Service Station on the A540 near Ellesmere Port. The site already contained fuel pumps with a canopy above, food and drink outlets and a car park and the works subject to the legal challenge related to the erection of a storage container and a modestly sized side extension.

5.2 The Inspector for the appeal had accepted that the proposed development would constitute limited infilling of a previously developed site for the purposes of paragraph 145(g) of the Framework. Although the Inspector noted that there would be no adverse visual impact on the green belt, the Inspector took the view that the increased floor area and volume means that there would be a greater impact on the openness of the Green Belt and she commented that a lack of visibility did not in itself mean that there would be no loss of openness.

5.3 In upholding Euro Garages' challenge to the Inspector's decision, Mrs Justice Jefford made the following observations:

- For there to be a greater impact on the openness of the green belt, there must be something more than merely a change.
- The question as to the impact on the openness of the green belt involves an assessment of the harm occasioned by the change.
- Asking the question whether there is any greater harm is one way of addressing the impact on the openness of the green belt.
- Reference is made to the following passages in the Samuel Smith Old Brewery (Tadcaster) vs. North Yorkshire County Council (2018) Judgment earlier this year:

“The first part of the question posed by the preamble in paragraph 90 – whether the development would “preserve” the openness of the Green Belt – cannot mean that a proposal can only be regarded as “not inappropriate in the Green Belt” if the openness of the Green Belt

would be left entirely unchanged. It can only sensibly mean that the effects on openness must not be harmful – understanding the verb “preserve” in the sense of “keep ... safe from harm” – rather than “maintain (a state of things)” There may be cases in which a proposed development in the Green Belt will have no harmful visual effects on the openness of the Green Belt. Indeed, there may be cases in which development will have no, or no additional, effect on the openness of the Green Belt, either visual or spatial ... But development for “mineral extraction” in the Green Belt, the category of development with which we are concerned, will often have longlasting visual effects on the openness of the Green Belt, which may be partly or wholly repaired in the restoration phase – or may not. Whether the visual effect of a particular project of mineral working would be such as to harm the openness of the Green Belt is, classically, a matter of planning judgment.”

“In my view, therefore, when the development under consideration is within one of the five categories in paragraph 90 and is likely to have visual effects within the Green belt, the policy implicitly requires the decision-maker to consider how these visual effects will bear on the question of whether the development would “preserve the openness of the Green Belt”. Where that planning judgment is not exercised by the decision-maker, effect will not be given to the policy. This will amount to a misunderstanding of the policy, and thus its misapplication, which is a failure to have regard to a material consideration, and an error of law.”

In summary:

- To exclude visual impact from a consideration of the likely effects of development on the openness of the green belt would be artificial and unrealistic.
- A realistic assessment of the openness of the green belt will often have to include the likely perceived effects on openness, of any, as well as spatial effects.
- It is inherent in the policy that a judgement must be exercised as to the likely visual or perceived impacts on the openness of the green belt; it is not simply a question of whether something, which by definition as a spatial impact, is to be built.

5.4 The Judge found that the Inspector had appeared to approach the appeal decision on the basis that any change had a greater impact on the openness of the Green Belt (i.e. a quantitative increase in built form), rather than considering the actual impact or harm wrought by that change to include an assessment of visual or perceived impacts. It is not simply a matter of whether there has been a quantitative increase in built form.

Conclusion

With the above in mind it is clear, via the size and position of the existing building and the existing screening of views (presented by the existing stone retaining walls and the existing building) or backdrop to views which it affords, by virtue of the hillside immediately behind and adjacent to the proposed extensions, that the proposals cause no, or very limited, visual impacts beyond that which already exists and therefore the proposals cause no additional harm (and certainly no substantial harm) thereby preserving the openness of the green belt, thereby safeguarding the visual amenity of the area.

6. Green Belt Statement - Conclusion

- a) The proposals are not considered to be 'disproportionate additions' visually (as per NPPF and PPG Guidance) and should therefore be acceptable in planning terms.
- b) The proposals have no greater impact on the openness of the green belt than the existing development by virtue of surrounding topography and the existing elements of the building and retaining walls and are therefore acceptable in planning terms under the Green Belt Policy Partial Redevelopment exception (RBF NPPF paragraph 145, Section G).
- c) The proposals assist in urban regeneration by recycling derelict/other urban land, thereby achieving one of the five purposes of green belt policy and are by virtue of the exceptions rule, not considered to be inappropriate development.
- d) The proposals offer a reduction in visual impact when compared to the dilapidated higher level terrace and timber shed.
- e) This application should be approved as per NPPF (2018), PPG (Green belt, July 2019) and OMBC Policy 22 without delay.