
DEVELOPMENT CONTROL POLICY GUIDANCE NOTE 8

New Buildings and Associated Development in the Green Belt

Adopted 10th January 2007



This guidance note is aimed at developers and providers of new buildings and associated development in the Green Belt. The contents are as follows:

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PRE-TEXT

This pre-text to the Development Control Policy Guidance Note No.8 sets out the details of the consultation and publicity steps that were undertaken during the preparation of this Supplementary Planning Document (SPD)

This Supplementary Planning Document (SPD) has been produced in the form of a Development Control Guidance Note. It is intended to support policies contained in Bury's adopted UDP (adopted 31st August 1997). This Note provides a more formal basis to advice which is given to applicants on a regular basis and is now a material consideration in the determination of planning applications.

This SPG was approved for a consultation exercise by the Council's Executive on the 28th June 2006. This was after a period of internal consultation with Officers in various Sections of the Council. Views were sought from members of the public and private organisations and relevant interest groups over a six-week period (10th July 2006 to 21st August 2006). Copies of the Draft SPD were made available for inspection at the planning reception desk and in the Borough's main libraries. Further copies could also be obtained on request and the draft was also made available on the Council's website.

The draft SPD was revised in the light of the comments received through the consultation process. The revised version went to Council's Executive on the 10th January and was formally adopted.

In accordance with the requirements in PPS12, a Statement of Consultation document was drawn up, which outlined the representations received and the Authorities response to these. This statement is available for inspection on request, together with the adopted version of the SPG.

Any queries you may have regarding this Note, the Bury UDP or Bury's Local Development Framework should be directed to the Planning Policy Team on 0161 253 5283.

1 - INTRODUCTION

- 1.1 Green Belt serves an important function in preventing urban sprawl by keeping land permanently open and the maintenance of the Green Belt is vital to improving quality of life and creating sustainable communities. In Bury, around 60% of the Borough is designated as Green Belt and the Council aims to maintain the quality and openness of the Green Belt.
- 1.2 This is done through the use of planning policies, which control the type and amount of new development in the Borough's Green Belt. These policies are contained locally in the Bury Unitary Development Plan (UDP) and nationally in Government planning guidance (principally Planning Policy Guidance Note 2 (PPG2) – Green Belts). These policies set out important design criteria aimed at controlling and limiting developments that would not maintain the quality of the Borough's Green Belt.
- 1.3 This guidance note has been drawn up to help deliver this aim and provide further assistance to potential developers on what is or is not acceptable in the Green Belt. In particular this note:
- provides greater clarity in terms of acceptable forms of new buildings and associated development¹ in the Green Belt;
 - provides general design related advice on the construction of new buildings in the Green Belt; and
 - provides advice on how the environmental quality, amenity, wildlife interest and character of the Green Belt is maintained and where possible, improved.
- 1.4 This guidance note should be read in conjunction with other planning policies and guidance notes to ensure that a development proposal is considered against all relevant development plan policies and material considerations.

2 - BACKGROUND

- 2.1 This guidance has been produced in response to the volume of enquiries that the planning department receives requesting advice on the content of planning applications and proposal design for new buildings and associated development in the Green Belt. The presence of sometimes poorly designed and sited new buildings and/or associated development within the Borough's Green Belt is also of concern. Although the principle of a new building in the Green Belt may have been established, it is felt that further clarification of UDP

¹ Please note that whilst this SPD refers to 'new buildings' in the Green Belt, the guidance is also applicable to other forms of development in the Green Belt including associated uses of land around a building or other forms of development that are not classified as being a building, such as advertisements. Generally, it should be used as a guidance note to be applied to all forms of development in the Green Belt that requires planning permission.

Policy OL1/2 could bring improvement to the quality and design of new buildings to ensure more sympathetic integration into the surrounding area.

- 2.2 This guidance note also hopes to address the issue of unlawful development in the Green Belt which sometimes occurs due to lack of knowledge that planning permission was actually required.

3 - POLICY CONTEXT / FRAMEWORK

Planning Policy Guidance Note 2 (PPG2) – Green Belts (Published 1995, amended 2001)

- 3.1 PPG2 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open”, PPG2 (2001). The five purposes of including land in the Green Belt listed are:
- to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns from merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns;
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 3.2 PPG2 also recognises the positive role that land identified in the Green Belt has in fulfilling the following land use objectives:
- to provide opportunities for access to the open countryside for the urban population;
 - to provide opportunities for outdoor recreation near urban areas;
 - to retain attractive landscapes, and enhance landscapes, near to where people live;
 - to improve damaged and derelict land around towns;
 - to secure nature conservation interest; and
 - to retain land in agricultural, forestry and related uses.

Although important, the Green Belt land use objectives are not a material consideration for the inclusion of land within the Green Belt, or for its continued protection. The most important attribute of Green Belts are the purposes of including land in the Green Belt (paragraph 3.1), regardless of their landscape quality.

- 3.3 PPG2 sets out criteria based policy advice for new buildings in the Green Belt. The list includes the following categories of development as normally being acceptable in the Green Belt: agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension or replacement of dwellings; and limited infilling in existing villages.
- 3.4 PPG2 regards development including engineering and other operations, and the making of any material change in the use of land

as inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

- 3.5 PPG2 also states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in the Green Belts, might be visually detrimental by reason of siting, materials or design.
- 3.6 In cases where development is regarded as inappropriate in the Green Belt, PPG2 states that it is for the applicant to show why permission should be granted. This is explained further in paragraph 4.20 of this guidance note.

Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7)

- 3.7 Annex A of PPS 7 sets out some useful guidance on agricultural, forestry and other occupational dwellings in rural areas. This advice is equally applicable to Bury's Green Belt, much of which is considered to be a rural area. Appendix 2 of this guidance note contains a copy of this Annex for information.

Bury Unitary Development Plan (UDP)

- 3.8 The Borough's Green Belt was adopted in 1984 under the Greater Manchester Green Belt Local Plan. These boundaries were largely transferred over to the subsequent Bury UDP which was adopted in 1997.
- 3.9 Under new planning legislation, the policies within the Bury UDP have been 'saved' from the commencement of the Planning and Compulsory Purchase Act 2004. Therefore, they continue to be the policies against which any new Supplementary Planning Documents (SPDs) are linked to, as required under Regulation 13 (7) of The Town and Country Planning (Local Development) (England) Regulations, 2004.
- 3.10 This SPD is mainly designed to support the existing UDP Policy OL1/2 - New Buildings in the Green Belt, which sets out the uses and circumstances under which new development may be permitted in the Green Belt.
- 3.11 It also seeks to supplement and provide extra guidance on Bury UDP Policies OL1/3 – 'Infilling in Existing Villages in the Green Belt' and OL1/5 – 'Mineral Extraction and Other Development in the Green Belt'. Copies of all of these policies can be found in Appendix 1 of this guidance note.

4 – WHICH TYPE OF NEW BUILDINGS ARE PERMITTED IN THE GREEN BELT?

- 4.1 This Section sets out the general policy issues that will be taken into account by the Council when assessing proposals for particular types of developments in the Green Belt.

General Considerations Applicable To All Proposals

- 4.2 The essence of Green Belt policy is to prevent urban sprawl by keeping land permanently open, protecting the countryside and assisting in moving towards more sustainable patterns of urban development. Current national and local planning policy permits no new development, except for certain purposes, as outlined in section 3.
- 4.3 Generally, all proposals for new development will be assessed with regard to:
- the purposes of including land in the Green Belt and the potential impact upon the openness of the Green Belt;
 - any traffic considerations;
 - noise and air pollution issues;
 - access for people with disabilities; and
 - sustainable transport initiatives e.g. access to public transport and provision for cycle parking;
 - features of wildlife value and biodiversity

Agriculture and Forestry

- 4.4 Although many agricultural and forestry related proposals may benefit from permitted development rights, the local authority may request details of siting, design and external appearance to be submitted prior to approval for works to commence. For further information on whether your proposal benefits from permitted development rights, please contact a Planning Officer from the Development Control Section.
- 4.5 New buildings should normally form part of a group, rather than stand in isolation and should relate to existing buildings in size and colour. However, in certain circumstances, new buildings of modern design may sometimes be best separated from a group of traditional buildings to avoid visual conflict. Please contact a Planning Officer to discuss the most appropriate location of a new building (whether under permitted development rights or as part of a planning application).
- 4.6 Where it is at an accepted distance, the site selected should be close to an existing highway in order to avoid long obtrusive driveways. The

development should relate to landscape features such as woodland or hedgerows and not harm views of the skyline.

- 4.7 Applicants should include arrangements for siting, access, curtilage, boundary treatment, materials and landscaping in their plan proposals.
- 4.8 Proposals for equestrian uses, other than in conjunction with agricultural purposes, will require full planning permission prior to work commencing (see Development Control Policy Guidance Note 10 – Planning for Equestrian Development for further guidance on this).

Agricultural and Forestry Workers Accommodation

- 4.9 Applications for agricultural or forestry workers dwellings are excluded from permitted development and therefore always require full planning permission in addition to fulfilling the relevant functional and financial tests of their business.
- 4.10 If the proposal is to enable an agricultural or forestry worker to live at, or in the immediate vicinity of their place of work on a temporary or permanent basis, as part of their planning application, applicants are required to demonstrate that they have first examined the possibility of providing the accommodation by alternative means other than locating it upon the land.
- 4.11 Where workers accommodation cannot be provided in the local area or by conversion of an existing building on site, there will be a requirement to **provide evidence in support of both financial and functional tests**. Only when these have been satisfied, will an application for temporary accommodation be considered. Further information on the precise content of these tests is provided in Annex A of PPS7. For information, an extract from this document can be found in Appendix 2 of this guidance note.
- 4.12 For permanent accommodation, further tests will need to be satisfied over a period of time. For more detailed information on exactly what these tests involve, please refer to Annex A of PPS7. An extract from this guidance note has been included in Appendix 2 for information.
- 4.13 Workers accommodation should be sited close to existing farm buildings wherever possible. An occupancy condition tying the accommodation to the employment use will be applied as a matter of course. It may also be applicable to remove permitted development rights from the proposed new buildings and in some instances within the new buildings curtilage, in order to safeguard the openness of the Green Belt from further development.

Farm Diversification

- 4.14 Farm diversification proposals should be well researched, contribute to sustainable development objectives, help to sustain the agricultural enterprise and be at a scale consistent with its location. A supporting

statement and business plan should accompany any planning application for such uses.

- 4.15 The re-use or replacement of existing farm buildings should be considered ahead of any proposals for new buildings. The Council's guidance note on the 'Conversion and Re-Use of Buildings in the Green Belt' (Development Control Policy Guidance Note 9) provides further guidance on converting existing buildings.
- 4.16 Where proposals are presented for new developments, it may be necessary to justify why a particular vacant farm building has not been considered and to demonstrate why it is not suitable for conversion to this proposed new use.
- 4.17 Again, successful planning applications may have permitted development rights removed from any new and existing buildings on the farm holding in order to preserve the openness of the Green Belt.
- 4.18 As with all proposals, farm diversification schemes must preserve the openness of the Green Belt and not result in the excessive expansion and encroachment of building development into the countryside.

Essential Facilities For Sport And Outdoor Recreation

- 4.19 The provision of essential facilities (buildings or other development) associated with an outdoor recreation use can be viewed as being an appropriate use in the Green Belt. Applications to modernise or provide new facilities that are required to support or extend the enjoyment of outdoor sport and recreation will be assessed on their own merits.
- 4.20 The aim should always be to preserve the openness of the Green Belt and to keep built development to the minimum scale consistent with the requirements of the outdoor recreational activity. Proposals comprising largely non-essential facilities (e.g. additional function rooms, indoor leisure) will be regarded as inappropriate development, even if these are considered to complement the principal outdoor activity.
- 4.21 On a similar note, floodlighting, large areas of hardstanding, car parking, and ancillary buildings can all have significant adverse effects on the Green Belt. These elements should be kept to a minimum and carefully designed to have minimum impact on their surroundings. Such associated developments can mean that an appropriate 'use' can become inappropriate 'development' if it causes harm to the Green Belt.
- 4.22 Therefore, whilst the principle of outdoor sport and recreation may be an acceptable use in the Green Belt, the extent of the buildings and other developments that sometimes goes with such uses, may render the proposal inappropriate. As with all inappropriate proposals in the

Green Belt, an applicant will have to demonstrate the ‘very special circumstances’² as to why a scheme should be permitted.

Residential

- 4.23 New residential development is not permitted in the Green Belt, other than for agricultural and forestry workers accommodation (see paragraph 4.9 – 4.13 above), proposals for limited infilling or where it is for a replacement dwelling.
- 4.24 Where a replacement dwelling is proposed, the new dwelling should reflect the original dwelling in terms of massing, siting and area of footprint, height and should not be materially larger than the one it replaces. Any significant deviation from this would need to be justified as ‘very special circumstances’. Calculations and workings of any increase in volume **must** be submitted with your planning application. In general terms, the Council may allow the original volume to be increased by up to a third as part of a proposal for a replacement dwelling. However, each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues).

Extensions

- 4.25 Residential extensions should be proportionate to the size of the **original** dwelling, excluding any previous extensions carried out under permitted development rights or with planning permission. In general terms, the Council may allow an extension to be up to a third of the volume of the original dwelling. However, each proposal will be considered on its own merits and even an increase up to a third may not be appropriate in certain situations (e.g. if the site is a particularly sensitive area or if there are other amenity issues).
- 4.26 If an addition to an already converted building is required, the extension should be a subsidiary element of the original building. Extensions should be small scale, of a simple design and unobtrusive. Acceptable designs could include single storey, lean-to gable end or flank extensions.
- 4.27 Proposed materials and finishes to walls and roof should be identical or similar to the existing. Features such as windows and doors should also be complimentary in scale to existing.

² PPG2 states that it is for the applicant to show why permission should be granted (i.e. to demonstrate special circumstances) in cases where development is regarded as inappropriate in the Green Belt. Harm caused to the openness of the Green Belt by a development must be clearly outweighed by other considerations.

Listed Buildings & Conservation Areas

- 4.28 Alterations to Listed Buildings and development within Conservation Areas are subject to special planning controls. Should a proposal relate to either it is advisable that the Council's Conservation Officer is contacted at the earliest possible stage to help determine the best way forward. Issues relating to proposals located within a historic environment or alterations proposed to locally important buildings, features and spaces should also be carefully considered. Proposals should be based upon a sound understanding of historic environment issues. In most cases, a design and access statement (see paragraph 7.2) will be required to be submitted with your planning application. Advice may be sought on the content of this. Contact details of the Conservation Officer can be found in the Contacts Section (Section 9).

Protected Species

- 4.29 Protected species including barn owls and bats often use traditional farm buildings and other buildings in the countryside as roosting or nesting sites. Both species are protected by the Wildlife and Countryside Act 1981. Consequently, if either species is present within a building, no work can be undertaken without prior consultation with English Nature (Natural England) whose contact details are listed at the back of this guidance note. It is worth noting that, in most cases, work will be delayed until the breeding and nesting season is over. However, in some cases the provision of alternative breeding accommodation for the effected species may be necessary.

Inappropriate Development

- 4.30 As already referred to, if a proposal is considered to be inappropriate development, the onus is on the applicant to demonstrate '**very special circumstances**' as to why planning permission should be granted. As each parcel of land is unique, each application will be judged on its own merits to see if it is outweighed by any other considerations.

5 – DESIGN CONSIDERATIONS FOR NEW BUILDINGS IN THE GREEN BELT

- 5.1 The following considerations are applicable to all development in the Green Belt, unless otherwise stated:

Siting and Visual Design

- 5.2 Careful consideration should be given to the impact of a new building when viewed from several locations in both the immediate vicinity and the wider countryside. The view of the proposal from main roads, public footpaths and settlements will be given significant weight when assessing planning applications. In some cases, it may be appropriate to provide a visibility appraisal along with planning applications.
- 5.3 In the case of farms, subject to the operational needs of a farm, the impact of a new building can be reduced by siting it close to existing development. By utilising existing walls and accesses, costs may well be reduced.
- 5.4 Large scale buildings are difficult to site unobtrusively on hill terrain, and can look out of scale with older buildings. Applicants should therefore give careful consideration to the design, colour and use of appropriate landscaping in order to minimise the impact of such buildings. If possible, it may be better to provide the new accommodation in two or more smaller buildings to overcome these problems and lessen the impact.
- 5.5 Buildings located on the crest of a hill are visually intrusive, and also exposed to the weather. If such a location is unavoidable, special consideration will be necessary to minimize the impact (see 5.4 above).
- 5.6 On sloping sites it is normally best to align a building parallel with the contours and use cut and fill as opposed to underbuilding. If different floor levels are practicable, the building should be stepped down the slope.
- 5.7 Existing trees and hedgerows should be retained where possible and new buildings should respect the existing field boundary pattern.

Scale And Form

- 5.8 The apparent size of a building can be influenced by the siting, choice of colour and detailing of the exterior walls and roof. The Council will seek to minimise the impact of the scale of proposals by negotiating on these issues.
- 5.9 Normally, a large new building should not be located too close to an existing small one, since this will accentuate the scale of the new building. Trees or other forms of landscaping can sometimes help to mask the difference in scale.

- 5.10 The use of an 'L' shaped plan, providing the floorspace in more than one unit, using a multi-span building and providing overhanging eaves can all help to reduce the apparent size of a new building.
- 5.11 Where possible roof pitches should be matched to those of existing buildings, even where it is perceived that a low roof pitch might reduce the total height of the building. It is sometimes preferable that new roofs appear in harmony with existing roofs.
- 5.12 Large roofs can be broken up by functional elements such as ventilators, skylights, gutters and downpipes.

Materials and Colour

- 5.13 Materials should be sympathetic with the location, minimising visual impact. Applicants should take into consideration any local vernacular when selecting materials and colours for their building.
- 5.14 The use of dark colours for window and door frames, guttering and other such elements is often preferable to lighter colours but this will often also depend on the materials used within the building fabric. The use of overly bright colours should generally be avoided.
- 5.15 In relation to agricultural buildings, with a wide range of cladding materials and colours available, applicants should consider using materials and colours that have been used on similar buildings, if located within a farm complex. There should be an emphasis on materials and colours that have the least visual impact on the surrounding area.

Surroundings

- 5.16 Consideration must be given to the best way of integrating a new building with its immediate surroundings and landscape.
- 5.17 Existing trees, shelterbelts and other biodiversity features (e.g. ponds, unimproved grassland, etc) should be retained, and where appropriate enhanced.
- 5.18 Wherever possible, native trees should be used for new planted areas, rather than fast growing conifer hedges. Any new planting should be first agreed with the Council.
- 5.19 Any areas proposed for new planting should take account of any plans for future development.
- 5.20 Waste material and redundant machinery should be removed, as should obsolete buildings except where those constructed in the local style and are worth retaining.
- 5.21 Consideration should be given to how hard-surfaced areas will link together and where resurfacing is needed, use materials that are in-keeping with the surrounding area.

6 – OTHER CONSIDERATIONS FOR BUILDINGS IN THE GREEN BELT

Garages And Outbuildings

- 6.1 Garages are normally considered an urban element and it is not normal practice for garages to be constructed in the Green Belt. The use of existing buildings for use as garages or outbuilding should be considered ahead of any new building. Where garaging and other buildings are required, the design should be subservient to and closely related to existing buildings.

Gardens And Curtilages

- 6.2 The image of the suburban garden must be avoided (e.g close boarded fencing will not be acceptable). The buildings themselves often mark the boundary of the traditional field and paddock. Locally native hedgerows and unobtrusive walls should be provided to complete the enclosure.
- 6.3 The boundary of a curtilage can be marked with tree/hedgerow planting but coniferous hedges should be avoided. Care should be taken to choose locally native species and it may be helpful to contact the Council's Countryside Officers for further information (see section 9 for contact details).

Lighting In The Green Belt

- 6.4 In general terms:
- security lights should be mounted on buildings or boundary fences;
 - lighting should be designed so as to be as directional as possible, using the minimum number of lights required, and to minimise light pollution;
 - direct lighting downwards and consider the use of equipment that will control levels of light spill and glare; and
 - the colour of lighting poles may have significant influence, so light colours should be used if lights are generally seen against the sky, or dark if there is a backdrop of vegetation.
- 6.5 In terms of floodlights for sport and recreation facilities account should also be taken of the principles outlined in 6.4 but also designed in such a way so as to:
- minimise the spillage of light, especially when sited on higher ground (which may be seen over long distances) to avoid visual disturbance to nearby properties;

- ensure that the mountings for flood lighting are not visually obtrusive; and
- 6.6 Floodlighting should only be used when required and when the facility is in use so it is normally appropriate to control the hours of operation through a planning condition.
- 6.7 Where possible, floodlights should be of a temporary nature. These types of lights can often be more flexible (e.g. the lighting columns can be lowered during the summer when they may not be in use).
- 6.8 Further information on lighting can be found in the ODPM's document - 'Lighting in the Countryside- towards better practice'.

Advertisements

- 6.9 It is national policy to protect the visual amenities of the Green Belt, and whilst advertisements are not subject to policies specifically relating to the appropriateness of development in the Green Belt, it is nevertheless necessary to assess their effect on amenity. Advertisements situated in the Green Belt, alongside the highway and remote from the sites to which they relate, can be a particular problem. It is essential that the Council control this type of advertisement, to ensure that they have a minimal effect on the environment, and to minimise advertisement clutter.
- 6.10 Therefore, advertisement consent will normally be refused for poster / hoarding advertising (illuminated or otherwise) in the Green Belt due to the impact such uses have on the character and openness of the Green Belt. Other forms of advertisement in the Green Belt that require consent will be controlled so that they do not harm the amenities of the Green Belt. In addition, the cumulative effects of advance signs along the highway will be assessed to avoid a proliferation of advertisements that would harm the appearance of the Green Belt.

Planning Conditions

- 6.11 Applicants should be aware that it may be necessary to attach planning conditions to proposals that are granted planning permission.

7 – ADDITIONAL INFORMATION FOR PLANNING APPLICATIONS

Information to be submitted with planning applications

- 7.1 Applicants who wish to submit their planning application in outline form, should ensure that there is sufficient information included to assess its impact upon the openness of the Green Belt. Circular 01/06 (Communities and Local Government): Guidance on Changes to the Development Control System lists information to be included in outline planning applications. Depending on the nature of the proposal, it may be necessary to provide additional information such as a design and access statement or a visibility appraisal. If you are in any doubt, it may also be advisable to speak with a Planning Officer, prior to submission.

Access and Design Statements

- 7.2 DCLG Circular 01/06 requires both outline and full planning applications to be accompanied by design and access statements with the exception of:
- Applications for change of use only
 - Applications for engineering or mining operations
 - Householder applications (e.g. extensions or outbuildings for purposes incidental to the residential use), where no part of the dwelling or its curtilage fall within a "designated area". (In the local context, designated areas include Conservation Areas, areas of outstanding natural beauty and certain Sites of Special Scientific Interest).

If you are unsure as to whether your proposal requires a design and access statement, please contact a member of the Development Control Team at Bury Planning Department. Further information on the content of design and access statements can be found in DCLG circular 01/06 and also in the detailed guidelines published by CABE (Commission for Architecture and the Built Environment). Contact details can be found at the back of this document.

8 – MONITORING & CONCLUSIONS

- 8.1 Decisions relating to planning applications for new buildings in the Green Belt will be monitored on an annual basis in order to assess the effectiveness of this SPD.
- 8.2 Decisions that have been contrary to Case Officer or Planning Policy Officer recommendation will be specifically investigated to see whether references are made to issues covered in this guide. It may then be necessary to modify the guidance note.

9 - BACKGROUND DOCUMENTS

- Planning Policy Guidance Note 2: Green Belts, DETR (1995)
- Planning Policy Statement 7: Sustainable Development in Rural Areas, DETR (2004)
- Bury Unitary Development Plan (1997)
- Lighting in the Countryside: Towards Better Practice, ODPM (1997)

9 – FURTHER INFORMATION/CONTACTS

If you require further advice, please contact:

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Natural England (English Nature)

Cheshire to Lancashire Team

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Wallgate

Wigan

Lancashire

WN3 4AL

Tel: 01942 820324

www.naturalengland.org.uk

Commission for Architecture and Built Design (CABE)

1 Kemble Street

London

WC2B 4AN

Tel 020 7070 6700

www.cabe.org.uk

APPENDIX 1 – UDP POLICY

OL1/2 - New Buildings in the Green Belt

The construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- a) agriculture and forestry (except where permitted development rights have been withdrawn);
- b) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- c) limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- d) limited infilling in existing villages as set out under Policy OL1/3.

Justification

Green Belt policy has been very successful in controlling development of the urban perimeter and limiting sporadic development on open land. This policy continues the Council's commitment to ensuring that the Green Belt will generally be kept open and protected from inappropriate development. The policy also states how the Council will respond to proposals for development within the Green Belt. The potentially acceptable categories of development listed in the policy all possess at least one of the following characteristics. They would:

- a) have a low proportion of building area in relation to land area; or
- b) would not injure the visual amenities of the Green Belt or be conspicuous from or within the Green Belt; or
- c) be essential or traditional countryside uses; or
- d) help to secure the proper management of Green Belt land.

In relation to the purposes for which new buildings may be permitted, (see a) to d) above in the policy), the following considerations will apply:

- i) Essential facilities, see b) in Policy OL1/2, should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator

accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.

- ii) The extension or alteration of dwellings in the Green Belt, see c) in Policy OL1/2, need not be inappropriate providing that any changes are not disproportionate additions over and above the size of the original building. Such proposals should have regard to any supplementary planning guidance issued by the Council. Any such supplementary planning guidance will be issued solely for the guidance of applicants and will be consistent with the Plan and subject to Council approval. Where appropriate, public consultation will be carried out.

OL1/3 - Infilling in Existing Villages in the Green Belt

In all named villages which lie within the Green Belt, limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings.

Justification

It is acceptable, in accordance with paragraph 2.11 of PPG2 "Green Belts", to carry Green Belt notation across existing villages where infilling, but no extension of a village would be permitted.

There are a number of existing villages within the Borough's Green Belt. Whilst seeking to restrict their expansion this policy recognises the need to accept limited infilling within the villages named below:-

Shuttleworth, Holcombe Village, Hawkshaw, Summerseat, Nangreaves, Affetside, Ainsworth and Simister.

The term 'limited infilling development' may include forms of development other than frontage infilling such as the development of backland where it would be in keeping with the village's character. However, this is not intended as a general dispensation to develop houses in the back gardens of frontage properties.

A particular difficulty exists in relation to "ribbon" development which strings out along a number of roads, from villages within the Green Belt. Where such ribbon developments present a significant and generally unbroken frontage, small gaps may be capable of successful development without prejudicing Green Belt objectives. This will usually be a case of looking at each proposal on its merits: the local planning authority will wish to take into account the character of the site; and, generally, development which would involve the felling of trees, or the spoiling of a fine view, would be prevented.

OL1/5 - Mineral Extraction and Other Development in the Green Belt

Within the Green Belt other development, not including buildings, will be inappropriate unless:

- a) it maintains openness and does not conflict with the purposes of including land in the Green Belt; or
- b) in the case of mineral extraction, it does not conflict with the purposes of including land in the Green Belt, and high environmental standards will be maintained and the site well restored.

Proposals for other development not falling into one of the above categories is inappropriate development and is, by definition, harmful to the Green Belt. Any development proposal considered to involve inappropriate development will only be permitted in very special circumstances.

Justification

The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land, for example car parks or other areas of hardstanding and garden extensions. Such development will not be considered inappropriate if it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt set out under Policy OL1.

Minerals can only be worked where they are found. Mineral extraction is a temporary activity. Such development need not be inappropriate providing it does not conflict with the purposes of including land in the Green Belt, and provided that high environmental standards are maintained and that the site is well restored.

In the case of large scale development, proposals should, so far as possible, contribute to the objectives for the use of land in the Green Belt as set out under the justification to Policy OL1.

APPENDIX 2 – Extracts from Planning Policy Statement 7

From Annex A: Agricultural, Forestry and Other Occupational Dwellings (PPS7)

1. Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.
2. It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

Permanent agricultural dwellings

3. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
 - (i) there is a clearly established *existing* functional need (see paragraph 4 below);
 - (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
 - (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);
 - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

4. A *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:
 - (i) in case animals or agricultural processes require essential care at short notice;
 - (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
5. In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.
6. The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.
7. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.
8. New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.
9. Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

- 10.** Local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).

- 11.** Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.

Temporary agricultural dwellings

- 12.** If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:
 - (i)** clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
 - (ii)** functional need (see paragraph 4 of this Annex);
 - (iii)** clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - (iv)** the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - (v)** other normal planning requirements, e.g. on siting and access, are satisfied.

- 13.** If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 3 above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.

Forestry dwellings

14. Local planning authorities should apply the same criteria to applications for forestry dwellings as to those for agricultural dwellings. The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional methods of forestry management, which can involve the use of a peripatetic workforce, new forestry dwellings may not always be justified, except perhaps to service intensive nursery production of trees.

Other occupational dwellings

15. There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.

Occupancy conditions

16. Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.

17. Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.

Information and appraisals

- 18.** Planning authorities should be able to determine most applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural or other consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural, or other business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.

APPENDIX 3 - DETAILS REQUIRED FOR PLANNING APPLICATIONS

1. Application form (4 copies) – fully completed and signed.
2. The correct fee.
3. The correct certificate is required by law in order to identify anyone who has an interest in the land. The certificates most commonly needed are:
 - Certificate A if you own the land, or;
 - Certificate B if part of the land is owned by someone else.

n.b. A Notice no. 1 needs to be served on each of the other owners with certificates.
4. A covering letter with any other relevant information in support of your application.
5. Plans and drawings.

The plans and drawings are a very important part of any application and are needed so that not only the Council understands the proposal but also any persons consulted including your neighbours.

The plans need to show more than just your property or what you want to do. This is because the decision to approve the plans may depend on how your proposal affects surrounding properties, and therefore the following will be required;-

- a) A location plan at a scale of 1:1250 with the site boundaries edged in red and any other land owned by the applicant edged blue.
- b) Accurate scaled drawings (at least of a scale 1:100) with any dimensions shown in metric measurements.
- c) There should be drawings of both existing and proposed situations giving details of:-
 - Site layout – showing the site boundaries, access to the highway, other physical features including trees, adjacent properties and the position of habitable room windows.
 - Floor plans
 - Elevations affected
 - Roof plans as necessary
 - Drawings should show the whole of the property.
 - The maximum size of drawing should be A1
- d) Photographs are helpful and also useful in understanding the proposals.

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January 2007

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