

**Planning Applications Report**

**Planning Committee**  
**24<sup>th</sup> March 2022**

**Bolton  
Council**

Bolton Council has approved a Guide to Good Practice for Members and Officers Involved in the Planning Process. Appendix 1 of the Guide sets down guidance on what should be included in Officer Reports to Committee on planning applications. This Report is written in accordance with that guidance. Copies of the Guide to Good Practice are available at [www.bolton.gov.uk](http://www.bolton.gov.uk)

Bolton Council also has a Statement of Community Involvement. As part of this statement, neighbour notification letters will have been sent to all owners and occupiers whose premises adjoin the site of these applications. In residential areas, or in areas where there are dwellings in the vicinity of these sites, letters will also have been sent to all owners and occupiers of residential land or premises, which directly overlook a proposed development. Copies of the Statement of Community Involvement are available at [www.bolton.gov.uk](http://www.bolton.gov.uk)

The plans in the report are for location only and are not to scale. The application site will generally be in the centre of the plan edged with a bold line.

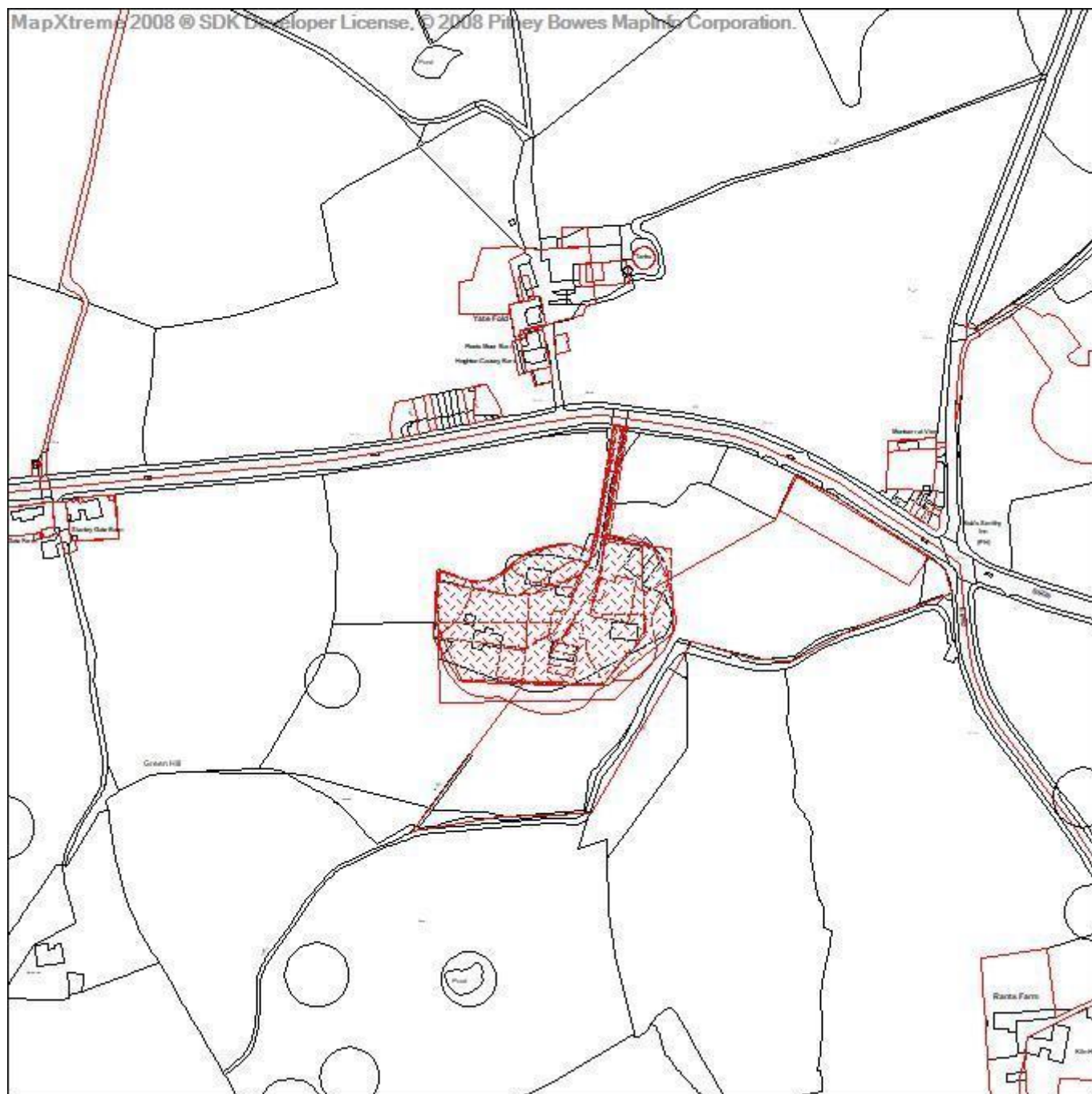
The following abbreviations are used within this report: -

CS	The adopted Core Strategy 2011
AP	The adopted Allocations Plan 2014
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PCPN	A Bolton Council Planning Control Policy Note
PPG	Department of Communities and Local Government Planning Policy Guidance Note
MPG	Department of Communities and Local Government Minerals Planning Guidance Note
SPG	Bolton Council Supplementary Planning Guidance
SPD	Bolton Council Supplementary Planning Document
PPS	Department of Communities and Local Government Planning Policy Statement
TPO	Tree Preservation Order
EA	Environment Agency
SBI	Site of Biological Importance
SSSI	Site of Special Scientific Interest
GMEU	The Greater Manchester Ecology Unit

The background documents for this Report are the respective planning application documents which can be found at:-

[www.bolton.gov.uk/planapps](http://www.bolton.gov.uk/planapps)

**Application number**  
**12534/21**



**Directorate of Place**  
**Development Management Section**

Town Hall, Bolton, Lancashire, BL1 1RU  
Telephone (01204) 333 333

**Bolton**  
**Council**

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**Date of Meeting: 24/03/2022**

**Application Reference: 12534/21**

**Type of Application: Full Planning Application**

**Registration Date: 01/12/2021**

**Decision Due By: 25/01/2022**

**Responsible Officer: Helen Williams**

**Location: PLOT 4, GRUNDY FOLD FARM, CHORLEY OLD ROAD, BOLTON, BL6 6QA.**

**Proposal:** VARIATION OF CONDITION 20 ON 91673/14 (EXTENSION OF EXISTING FARMHOUSE ALONG WITH DEMOLITION OF EXISTING OUTBUILDINGS AND ERECTION OF 4NO DWELLINGS) TO FACILITATE AMENDMENTS TO THE DWELLING AT PLOT 4

**Ward: Heaton and Lostock**

**Applicant: Mr H Ayirgan**

**Agent : Neil Pike Architects**

## **Officers Report**

**Recommendation: Approve subject to conditions**

### **Executive Summary**

- \* This application is before Committee for public interest reasons and as all previous applications for the development have been determined by Planning Committee.
- \* Permission is sought to vary the approved plans condition (condition 20) on planning permission 91673/14 to allow for amendments to the design and orientation of the dwelling at Plot 4.
- \* The 2014 permission for the residential redevelopment of Grundy Fold Farm (91673/14) is still extant and capable of implementation. However, as the dwelling at Plot 5 comprised an extension to the former farmhouse, which has now been demolished, the extant permission only amounts to the construction of the four dwellings at Plots 1 to 4.
- \* Officers do not consider that the combination of the proposed amendments to the design and siting of the dwelling and garage at Plot 4 would have a material greater impact on the openness of the Green Belt than the extant 2014 permission.
- \* It is also not considered that the proposed amendments would be to the detriment of the character and appearance of the extant approved development at Grundy Fold Farm or the character and appearance of the area.
- \* Conditions that were imposed on the original permission (91673/14) and that are still relevant should be imposed on this latest decision, if Members be minded to approve the application.
- \* Members are recommended to approve this application subject to the suggested conditions.

### **Proposal**

1. Permission is sought to vary the approved plans condition (condition 20) on planning permission 91673/14 (the extant approval for the residential development at Grundy Fold Farm) to allow for

amendments to the dwelling at Plot 4. These proposed amendments comprise:

- \* Re-orientating the dwelling so its front elevation now faces northwards and its rear elevation southwards. The approved dwelling has its front elevation facing eastwards and its rear elevation facing westwards.
  - \* Repositioning the detached garage from the north of the dwelling to the east (adjacent the boundary with Plot 3 rather than adjacent the boundary with Plot 5).
  - \* Removing the arched porch from the front elevation (which created an asymmetrical gable) to leave a symmetrical gabled projection at the front. Ground to eaves glazing is now also proposed central to the front elevation.
  - \* Extending the length of the mullioned window at ground floor on the front elevation, to the proposed kitchen.
  - \* Addition of three rooflights on the front roofplane and a bedroom window within the front gable (above eaves level).
  - \* Extending the width of the rear gable. This results in the width of the rear flat roof dormer and the bedroom window underneath being reduced but increases the amount of glazing within apex of the gable.
  - \* Reduction in the number of windows in the side elevations.
2. With regard to the proposed re-orientation of the dwelling, the eastern side elevation of the building is proposed in line with the approved front/eastern elevation (that is, the building does not extend any further east). As the dwelling has been 'flipped' the western side elevation now extends further west than the approved rear/western elevation, but the proposed front/northern elevation does not extend as far north as the approved northern side elevation. The difference in the siting can be seen on the site plan attached to this report.
  3. The proposed footprint of the amended dwelling has increased by 2 sq. metres from that approved (204.3sq. metres instead of 202.3 sq. metres), which represents an increase of 0.99%. The ridge height of the dwelling is proposed at 10.39m which is approximately 0.09m taller than the approved dwelling. The dwelling remains proposed as a five bedroom property.
  4. The applicant has served notice on all landowners within the red-edge of the application site.
  5. This application has been made under section 73 of the Town and Country Planning Act 1990, to vary the approved plan condition to allow amendments to the design and orientation of the dwelling at Plot 4. Planning permission under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. This new permission would sit alongside the original permission (91673/14, "the 2014 permission"), which remains intact and unamended (albeit without an approval for a dwelling at Plot 5, as discussed below and within the officer's report for 12632/21 which can be found elsewhere on the agenda). Should this latest application be approved, it would therefore be open to the applicant to decide whether to implement the new permission or the one originally granted.
  6. As a section 73 cannot be used to change the description of the development, reference to the unimplementable works at farmhouse (Plot 5) has to remain in the description. The alterations and extension to the non-existent farmhouse obviously cannot be undertaken regardless of any approval of this section 73 application.

## **Background to the Proposal**

### **Original planning permission at Grundy Fold Farm**

7. Planning permission was granted at Planning Committee in August 2014 for five dwellings on the application site, comprising the extension and alterations to the farmhouse (to form one dwelling), the demolition of all other buildings on the site, and the erection of four detached dwellings (application ref. 91673/14).

#### Unauthorised development

8. At the end of 2016 development commenced on the application site, however this was not in accordance with the planning approval. The five dwellings that were built were all of a different siting, orientation, footprint and design to those approved in 2014, and the former farmhouse that was approved to be converted and extended was demolished and replaced with a new dwelling. The dwellings built at plots 1 to 4 were also significantly larger in size than those approved. The developer ceased work on the site in December 2016 following advice from the local planning authority.

#### Subsequent planning refusals and enforcement notice

9. A retrospective planning application seeking the retention of the five dwellings as built was submitted to the local planning authority in March 2017 (application 00417/17). Planning Committee Members refused the application in June 2017.
10. Three planning applications (02071/17 for five amended dwellings, 01941/17 for the retention of the dwelling at plot 2 and 01964/17 for the retention of the dwelling at plot 5) were refused by Planning Committee in May 2018.
11. The Council served an enforcement notice for the demolition of all five dwellings on 27th June 2018. The applicant appealed against the enforcement notice.
12. Planning application 05083/18 for further amendments to the five dwellings was refused by Planning Committee in August 2019. The applicant appealed this decision.

#### Appeal decision

13. A public inquiry was held in March 2021 for the combined appeal against the issuing of the enforcement notice and the refusal of application 05083/18. Both appeals were dismissed by the Planning Inspectorate in May 2021. The appellants have until 19th May 2022 to demolish all five dwellings.
14. To summarise the appeal decision, the Inspector found:
  - \* In terms of the application of paragraph 149g) of the NPPF, "existing development" in relation to the Grundy Fold Farm site is the lawful development that currently exists at the site; that is the two existing 'farm' outbuildings and the footings of a garage approved under application 91673/14 (which has been constructed in order to commence approval 91673/14 and keep the permission extant). The proposed retention of the dwellings as built (Appeal A of the combined appeal) and the dwellings proposed under refused application 05083/18 (Appeal B of the combined appeal) therefore both constitute inappropriate development in the Green Belt as both would have a significant and greater effect on the Green Belt than the "existing development".
  - \* The development both as built and proposed under application 05083/18 would have a significant urbanising effect, introducing substantial built form of an urban or suburban character into part of the landscape which exhibits very little suburban character. The appellant's proposed landscaping scheme within 05083/18 would not mitigate against this.
  - \* Whilst the Inspector gave significant weight in respect of the personal circumstances of the appellants (presented by the appellant as very special circumstances), he did not find that these, along with other considerations in support of the appeals, clearly outweighed the cumulative

harm to the Green Belt (inappropriateness and openness) and the character and appearance of the area.

- \* The 2014 permission for the residential redevelopment of Grundy Fold Farm (91673/14) is still extant and capable of implementation and therefore represents the “fallback position” for the site.
- \* As the dwelling at Plot 5 approved under 91673/14 comprised an extension to the former farmhouse, which has now been demolished, the fallback position only amounts to the construction of the four dwellings at Plots 1 to 4, as the 2014 permission can longer be implemented for a dwelling at Plot 5. There is no extant planning permission for a dwelling at Plot 5, but there is for the detached garage at Plot 5.

### **Site Characteristics**

15. The application site comprises all five plots within the Grundy Fold Farm development, as well as the access road.
16. At the time of writing this report, and in accordance with the enforcement notice for the unauthorised development at Grundy Fold Farm, the dwellings at Plots 2 and 4 had been demolished, the demolition of Plot 3 was almost complete, Plot 5 was having its facing stone removed and Plot 1 was in scaffolding awaiting demolition.
17. Two former outbuildings remain on the site (not demolished when the former ‘farm’ buildings were demolished in 2016) and there is a caravan sited on plot 5, which is/was used for security. The footings for the garages for plots 2 and 3 have been constructed.
18. The application site occupies an elevated location within the Green Belt and is surrounded by open fields to the south, east and west. The site is at a lower ground level than Chorley Old Road to the north and land continues to fall to the south offering extended views. The site at Grundy Fold Farm is highly visible from the surrounding area.
19. The application site is located within the Rural Fringes Landscape Character Area.

### **Policy**

#### **20. The Development Plan**

- \* Core Strategy Policies: P5 Transport and Accessibility; S1 Safe Bolton; CG1.1 Rural Biodiversity; CG1.5 Flood Risk; CG2.2 Sustainable Design and Construction; CG3 The Built Environment; CG4 Compatible Uses; SC1 Housing; OA4 West Bolton.
- \* Allocations Plan Policies: CG7AP Green Belt.

#### **21. Other material considerations**

- \* Supplementary Planning Documents: General Design Principle; Accessibility, Transport and Road Safety.
- \* National Planning Policy Framework (NPPF): 2: Achieving Sustainable Development; 4: Decision-making; 5: Delivering a sufficient supply of homes; 9: Promoting sustainable transport; 11: Making effective use of land; 12: Achieving well-designed places; 13: Protecting Green Belt land; 14: Meeting the challenge of climate change, flooding and coastal change; 15: Conserving and enhancing the natural environment.
- \* A Landscape Character Appraisal of Bolton (October 2001).

## **Analysis**

22. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

23. The main impacts of the proposal are:-

- \* impact on the Green Belt
- \* impact on the character and appearance of the area
- \* impact on the amenity of neighbouring residents
- \* impact on the highway
- \* other conditions still relevant on the original approval

### **Impact on the Green Belt**

24. Allocations Plan Policy CG7AP states that the Council will not permit inappropriate development in the Green Belt. Inappropriate development includes any development which does not maintain the openness of land or which conflicts with the purposes of including land within the Green Belt, and the erection of new buildings, except for where development meets one of the exception criteria listed within the policy. These exception criteria reflect those within paragraph 149 of the NPPF.

25. Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

26. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

27. This application has been made under section 73 of the Town and Country Planning Act 1990, to vary the approved plan condition (condition 20) on planning permission 91673/14 to allow amendments to the design and orientation of the dwelling at Plot 4. The Planning Inspector for the combined planning and enforcement appeal at Grundy Fold Farm (APP/N4205/C/18/3208247 and APP/N4205/W/19/3237913) reported in his decision notice that the 2014 permission is still extant and capable of implementation (the development has commenced with the construction of the footings for the garages at plots 2 and 3). However, as the dwelling at Plot 5 (approved under 91673/14) comprised an extension to the former farmhouse, which has now been demolished, the extant permission only amounts to the construction of the four dwellings at Plots 1 to 4, as the 2014 permission can no longer be implemented for a dwelling at Plot 5. The Inspector also found that all garages to the development had extant permission.

28. It is therefore only relevant for the local planning authority, when determining this application, to consider the impact of the proposed amendments to the dwelling at Plot 4 on the openness of the Green Belt.



29. The proposed footprint of the amended dwelling has increased by 2 sq. metres from that approved within the 2014 permission (a footprint of 204.3 sq. metres is now proposed instead of the approved 202.3 sq. metres). This represents an increase of 0.99%, which Officers consider to be minimal.
30. The ridge height of the dwelling is now proposed at 10.39m which is approximately 0.09m taller than the 2014 approved dwelling. Again, Officers consider that the increase is minimal.
31. With regard to the proposed re-orientation of the dwelling, the eastern side elevation of the building is proposed in line with the approved front/eastern elevation (that is, the building does not extend any further east). As the dwelling has been 'flipped' the western side elevation now extends further west than the approved rear/western elevation, but the proposed front/northern elevation does not extend as far north as the approved northern side elevation.
32. The proposed garage for the dwelling is to be repositioned from the north of the originally approved dwelling to the east, adjacent the boundary with Plot 3 rather than adjacent the boundary with Plot 5.
33. Officers do not consider that the combination of these amendments to the design and siting of the dwelling and garage would have a material greater impact on the openness of the Green Belt than the extant 2014 permission for the dwelling at Plot 4, thereby compliant with Policy CG7AP of the Allocations Plan.

#### Impact on the Character and Appearance of the Area

34. Policy CG3 of Bolton's Core Strategy states that the Council will conserve and enhance local distinctiveness, ensuring development has regard to the overall built character and landscape quality of the area, will require development to be compatible with the surrounding area, in terms of scale, massing, grain, form, architecture, street enclosure, local materials and landscape treatment, and will maintain and respect the landscape character of the surrounding countryside and its distinctiveness. Policy OA4 states that the Council will conserve and enhance the character of the existing physical environment, ensure that development in West Bolton has particular regard to the overall density, plot sizes, massing and materials of the surroundings, and ensure that development respects the large amounts of open space and lower density development in West Bolton.
35. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that decisions should ensure that developments [amongst other things] will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and establish and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live work and visit.
36. The proposed amendments to the design of the dwelling at Plot 4 are set out within the "Proposal" section of this report.

37. The overall appearance of the dwelling is not too dissimilar to the dwelling approved within the 2014 permission; indeed it has been re-designed by the same architect as the 2014 permission. The main differences are considered to be the removal of the asymmetrical arched porch from the front elevation, the widening of the gable at the rear and the increase in glazing within the apex of this gable. The gables above eaves height on the front elevation are retained, as are the coping stones, kneelers and finial designs on these gables. Mullioned windows with stone surrounds are also retained in the amended design. These features are considered to continue to design motif of the approved development.
38. It is not considered that the proposed re-orientation of the dwelling, so that its front elevation faces northwards and its rear elevation southwards, would have a negative effect on the "hamlet" concept of the 2014 approval in that the dwelling at Plot 4 was not proposed to directly face the central courtyard (it was approved to face eastwards onto the side of Plot 3). The proposed re-orientation of the dwelling would however result in a larger expanse of glazing facing southwards, rather than eastwards, which would be more visible from distance views.
39. Boundary treatments to the plot, as well as landscaping within the plot, are to be agreed via a planning condition, as originally envisaged within the 2014 permission.
40. It is not considered that the proposed amendments to the dwelling at Plot 4 would be to the detriment of the character and appearance of the extant approved development at Grundy Fold Farm or the character and appearance of the area, compliant with Policies CG3 and OA4 of the Core Strategy.

#### Impact on the Amenity of Neighbouring Residents

41. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security. SPD General Design Principles sets out the Council's recommended minimum interface distances between dwellings.
42. The proposed dwelling would not directly overlook, or be directly overlooked by, any of the other three dwellings approved under the 2014 extant permission. It is therefore considered that the proposed dwelling would not unduly harm the residential amenity of the future residents of Plots 1 to 4, compliant with Policy CG4 of the Core Strategy.

#### Impact on the Highway

43. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility, serving arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.
44. The access into the site remains the same as approved under application 91673/14, off Chorley Old Road. A double garage continues to be proposed as well as a driveway.
45. Condition 10 of the planning approval 91673/14 requires the visibility splays at the junction of the access with Chorley Old Road to be improved to increase visibility (as Chorley Old Road has a speed limit of 60mph). This condition will be re-imposed on the decision notice, should this application be approved by Members.
46. The Council's Highways Engineers raise no objection to the proposal and it is considered that the proposed development complies with Policies P5 and S1.2 of the Core Strategy.

#### Other Conditions Still Relevant on the Original Approval

47. The applicant only seeks to amend condition 20 (the approved plan condition) of planning permission 91673/14, therefore the other conditions attached to the original permission for the development will be imposed again where they remain relevant. A list of the original conditions is provided below, along with an officer explanation as to their relevance:

- \* Condition 1: Commencement condition – the 2014 approval has commenced with the construction of the footings for the garages between Plots 2 and 3. As the development has commenced this condition is no longer relevant.
- \* Condition 2: No demolition during the bird nesting season – the buildings in question were demolished in 2016 and therefore this condition is no longer relevant.
- \* Condition 3: Land contamination – this condition was partially discharged in 2016. Site completion/validation reports are still required prior to first occupation of the dwellings, therefore the wording of this condition would need to be amended to reflect this.
- \* Condition 4: Surface water drainage – this pre-occupation condition has not been discharged. It is still relevant and therefore should be imposed again should this application be approved.
- \* Condition 5: Finished levels – the proposed levels were approved in 2016, however this approved plan does not reflect the siting of the dwelling at Plot 4 now applied for. It is therefore suggested that this condition is again imposed on any new decision.
- \* Condition 6: External materials – these were approved in 2016 and were the materials that the unauthorised dwellings were constructed from. To ensure that the dwellings are built in either the same or similar materials than previously approved, a re-worded condition is suggested.
- \* Condition 7: Windows and doors – these were approved in 2016, however given the time that has passed and the uncertainty to whether the same windows and doors can be purchased, it is suggested that this condition is imposed again.
- \* Condition 8: Details of garages – this condition was discharged in 2016. The approved details were shown on drawing K621/28; "Proposed Garage Details - Plots 1, 4 & Farmhouse"; dated 23.11.15. This approved plan will be added to the amended approved plan condition.
- \* Condition 9: Alternative on-site bat accommodation – the installation of three Schwegler 1FQ boxes on the south facing gables of three of the dwellings was approved in 2016. It is therefore suggested that this condition is amended to refer to this approval.
- \* Condition 10: Visibility splay improvement at entrance to the site – this has not been undertaken and therefore is still relevant.
- \* Condition 11: Details of construction of vehicular areas within the development – this has not been discharged and is therefore still relevant.
- \* Condition 12: Landscaping scheme – this has not been approved and therefore this condition would need to be imposed on any new decision.
- \* Condition 13: Boundary treatment – this has not been approved and therefore this condition would need to be imposed on any new decision.
- \* Condition 14: Mullions, cills and heads to windows to be in natural stone – this condition is still relevant and should be imposed on any new decision.
- \* Condition 15: Dormer fronts and cheeks – this condition is still relevant and should be imposed on any new decision.
- \* Condition 16: Window frames to be recessed – this condition is still relevant and should be imposed on any new decision.
- \* Condition 17: Approved curtilages – this condition is still relevant. The condition would need to be re-worded to include the latest approved site plan.
- \* Condition 18: Removal of permitted development rights – this condition is still relevant and should be imposed on any new decision.
- \* Condition 19: Garage to be made available at all times – this condition is still relevant and should be imposed on any new decision.
- \* Condition 20: Approved plans – this condition needs to be amended to replace the former approved plans that show Plot 4 with the latest approved plans. At the time of writing this report

officers were seeking legal advice as to whether the plans relating to Plot 5 (the farmhouse) should be included or not in any new decision. This advice will be reported to Members at the meeting.

### **Conclusion**

48. For the reasons discussed above, it is not considered that the proposed amendments to the dwelling at Plot 4 would have any greater impact on the openness of the Green Belt than the approved dwelling (approved within extant permission 91673/14) and would not detrimentally harm the character and appearance of the approved Grundy Fold Farm development or the surrounding area, compliant with Allocations Plan Policy CG7AP and Core Strategy Policies CG3 and OA4.
49. Members are therefore recommended to approve this application subject to the suggested conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** three letters of objection have been received, which raise the following concerns:

- \* Impact on the Green Belt; Inappropriate development in the Green Belt;
- \* Out of character with the area; does not respect the local vernacular;
- \* The height, scale and location of the house is overbearing;
- \* The proposal is a scaled down version of what has been built;
- \* It is a great concern that this application is a "stand alone" application; how will it be ensured that the other houses match the design and siting of this house; could end up with a mismatch of houses (*Officer comment: the dwelling at Plot 4 has been re-designed by the original architect for the approved 2014 development at Grundy Fold Farm, which has ensured that the appearance of the amended dwelling respects the original design concept. If other applications come in to further vary the original permission, these would need to be determined on their own merits*);
- \* Surely the 2014 approval is now invalid; It is arguable whether the other four dwellings have extant permission given that plot 5 cannot be implemented (*Officer comment: the inspector for the appeal considered that the dwellings at plots 1 to 4 benefitted from extant permission, as did all the proposed garages*);
- \* The approval of this S73 application would result in a wholly new permission with a new set of conditions. This is ludicrous, illogical and absurd as the new decision notice would retain the original description of development which would include "extension of existing farmhouse". It is unlawful to use S73 of the Town and Country Planning Act 1990 to amend or contradict the description of development permitted by a planning permission (*Officer comment: the approval of this latest application would indeed result in there being two approvals for Plot 1 to 4 – this amended approval and the original 2014 approval. The applicant would have the choice between which dwelling they could build at Plot 4. This is the same for any S73 application. As previously discussed, it is now impossible to implement the original permission for Plot 5 as the farmhouse has been demolished, but as a S73 application is unable to amend the proposal description reference to the farmhouse must remain*);
- \* Uncertain to what the correct site plan is for the development as the two drawings referred to in conditions 17 and 20 of 91673/14 are incompatible as they cite a different site plan (*Officer comment: it is noted that condition 17 refers to K621/01 whereas condition 20 refers to the revised plan K621/01 Rev B. Condition 17 should have also referred to Rev B: this was an error. If this S73 application is approved, the same amended site plan would be referred to in all relevant conditions*);
- \* The submitted location plan and site plan show the proposed dwelling in different locations (*Officer comment: the location plan has now been amended to correct this*);
- \* The Council could have required the rebuilding of the farmhouse when deciding what action to take against the unauthorised demolition and erection of dwellings, which would have made it easier and more straightforward to deal with this current application (*Officer comment: the enforcement notice did not require the rebuilding of the original farmhouse and the applicant/appellant did not request that the enforcement notice be amended to include this*);
- \* Piecemeal development; will not create a hamlet if plots 1 to 3 are not built (*Officer comment: it is not considered that the granting of this permission would be any different to the granting of the original permission in that the development would not have to be fully built out (not all the houses would need to be built) for it to be lawful. This is the same with any approval, unless there is a specific condition requiring all development to be completed a developer is not required to build all the houses they have permission for*);
- \* The proposed 1.8 metre high fencing is not appropriate and the 1.05 metre stockproof fencing would not provide adequate security (*Officer comment: as with the original approval, a condition will be imposed to require full details of all boundary details prior to first occupation*);

- \* If this application is approved there would be two sets of plans for Plot 4 (*Officer comment: as previously commented, any approval of Section 73 application results in there being two approvals for a development, the original approval and the S73 amended approval. It would be for the applicant to decide which approved dwelling they will build, both being considered by officers to be acceptable*).

It is considered that the concerns without a specific officer response have been addressed within the analysis of this report.

### **Consultations**

Advice was sought from the following consultees: Design and Conservation Officer, Landscape Officer, Highways Engineers, Pollution Control Officers, Drainage Officers, Greenspace Officers, Strategic Development Unit, Economic Strategy Officers and Greater Manchester Ecology Unit.

### **Planning History**

#### Approvals relating/material to the application development

- \* Permission was granted at Planning Committee in August 2014 for the extension of the existing farmhouse along with the demolition of existing outbuildings and the erection of four dwellings (91673/14).
- \* A retrospective application for the raising of land levels to the southern and eastern boundaries, to paddock land forming plots 2 and 3, was approved at Planning Committee in May 2018 (02498/17).

#### Refusals relating/material to the application development

- Planning application 00417/17 for the erection of five dwellings together with the importation of materials and the raising of ground levels was refused at Planning Committee in June 2017. This was a retrospective application for the retention of the five detached dwellings that have been erected on the site. The application was refused for the following two reasons:
  1. *The proposed development, by virtue of its siting and size, represents inappropriate development within the Green Belt and the very special circumstances provided by the applicant do not outweigh the harm caused to the openness of the Green Belt in this location, contrary to section 9 of the National Planning Policy Framework and Policy CG7AP of Bolton's Core Strategy.*
  2. *The proposed development, by virtue of its siting, scale and design, fails to maintain and respect the landscape character of the area, contrary to Policy CG3 of Bolton's Core Strategy.*
- Planning application 02071/17 for the erection of five dwellings (comprising the proposed demolition and rebuild/re-siting of plot 4 and amendments to the other four plots) was refused at Planning Committee in May 2018, for the following two reasons:
  1. *The proposed development, by virtue of its siting and size, represents inappropriate development within the Green Belt and the very special circumstances provided by the applicant do not outweigh the harm caused to the openness of the Green Belt in this location, contrary to Policy CG7AP of Bolton's Core Strategy and section 9 of the National Planning Policy Framework.*
  2. *The proposed development, by virtue of its siting, scale and design, fails to maintain and respect the landscape character of the area, contrary to Policy CG3 of Bolton's Core Strategy.*
- A separate application for the retention of the dwelling at plot 2 (as built) (01941/17) was

refused at Planning Committee in May 2018 for the following two reasons:

*1. The proposed development, by virtue of its siting and size, represents inappropriate development within the Green Belt and the Applicant has provided no very special circumstances to outweigh the harm caused to the openness of the Green Belt in this location, contrary Policy CG7AP of Bolton's Core Strategy and section 9 of the National Planning Policy Framework.*

*2. The proposed development, by virtue of its siting, scale and design, fails to maintain and respect the landscape character of the area, contrary to Policy CG3 of Bolton's Core Strategy.*

- A separate application for the retention of the dwelling at plot 5 (as built) (01964/17) was refused at Planning Committee in May 2018 for the same two reasons as plot 2 above.
- Application 04202/18 for 1) Demolition of buildings at plot 5 and incorporation of this land into wider landscaping scheme, 2) Removal of containers and caravan, 3) Retention of partly built dwellings at plots 1, 2, 3 and 4, 4) Erection of garages, and 5) Associated works was withdrawn by the applicant in November 2018.
- Application 05083/18 for (1) Demolition of buildings at plots 3 & 4 (2) Removal of containers and caravan; (3) Erection of new dwellings at plots 3 & 4; (4) Operational works pursuant to completion of partly built dwellings at plots 1, 2 & 5 as shown on the submitted plans; (5) Erection of garages; (6) Associated works to include comprehensive landscaping scheme was refused by Planning Committee in August 2019 for the following two reasons:

*1. The proposed development, by virtue of its siting and size, represents inappropriate development within the Green Belt and the Applicant has provided no very special circumstances to outweigh the harm caused to the openness of the Green Belt in this location, contrary Policy CG7AP of Bolton's Core Strategy and section 9 of the National Planning Policy Framework.*

*2. The proposed development, by virtue of its siting, scale and design, fails to maintain and respect the landscape character of the area, contrary to Policy CG3 of Bolton's Core Strategy.*

#### Public Inquiry

A public inquiry was held in March 2021 for the combined appeal against the issuing of the enforcement notice (APP/N4205/C/18/3208247) and the refusal of application 05083/18 (APP/N4205/W/19/3237913). Both appeals were dismissed by the Planning Inspectorate in May 2021. The appellants have until 19th May 2022 to demolish all five dwellings.

#### Application currently being considered

Application 12632/21 for the erection of a dwelling at Plot 5 can be found elsewhere on the agenda for this Committee meeting.

**Recommendation:            Approve subject to conditions**

#### **Recommended Conditions and/or Reasons**

1.     **Proposed levels**

Before the approved dwellings are commenced details of the proposed ground levels within the site including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason

To safeguard the visual appearance and or character of the area and in order to comply with Core Strategy policies CG3 and CG4.

Reason for Pre-Commencement Condition: Any changes in land levels on site could affect the character and amenity of the area and the living conditions of nearby residents, thereby details of existing and proposed land levels must be agreed with the LPA prior to commencement.

2. **Land contamination - verification report**

Prior to first use/occupation of the development hereby approved a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the Local Planning Authority under application 91673/14.

Reason

To safeguard the amenity of the future occupants of the development and to comply with Core Strategy policy CG4.

3. **Surface water drainage**

Prior to the development being first brought into use surface water drainage works should be implemented in full in accordance with details that have been submitted to and approved in writing with the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system is to be provided, the submitted details shall:

- 1) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
- 2) Include a timetable for its implementation, and
- 3) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason

To ensure the site provides satisfactory means of surface water drainage and to comply with policies CG1.5 and CG2.2 of Bolton's Core Strategy.

4. **External materials**

Notwithstanding any description of materials in the application no above ground construction works shall take place until full details of materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The approved materials shall be implemented in full thereafter.

Reason

To ensure the development reflects local distinctiveness and to comply with policy CG3 of Bolton's Core Strategy.

5. **Windows and doors**

Prior to any doors or windows being installed, a detailed specification for all doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and retained thereafter.

Reason



To ensure the development reflects local distinctiveness in order to comply with policy CG3 of Bolton's Core Strategy.

6. **Visibility splay**

Prior to the development hereby approved/being first brought into use a visibility splay measuring 2.4 metres by 215 metres shall be provided at the junction of the access with Chorley Old Road, and subsequently remain free of all obstructions between the height of 0.5 metres and 2 metres (as measured above carriageway level).

Reason

To ensure traffic leaving the site has adequate visibility onto the highway and in order to comply with Bolton's Core Strategy policy S1, P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

7. **Vehicular areas**

Prior to the development hereby approved being first occupied or brought into use, a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter made available for the use of vehicles at all times the development is in use.

Reason

To encourage drivers to make use of the parking and circulation area(s) provided and in order to comply with Core Strategy policies S1 and P5 and Supplementary Planning Document 'Accessibility, Transport and Road Safety'.

8. **Landscape scheme**

Trees and shrubs shall be planted on the site in accordance with a landscape scheme to be submitted and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings or the completion of the development, whichever is the sooner, or in accordance with phasing details included as part of the scheme and subsequently approved by the Local Planning Authority. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason

To reflect and soften the setting of the development within the landscape and in order to comply with Core Strategy policies CG1 and CG3.

9. **Boundary details**

Prior to the development being first occupied or brought into use, details (including a brick or masonry specification and colour scheme) of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation and retained thereafter.

Reason

To ensure adequate standards of privacy and amenity are obtained and the development reflects the landscape and townscape character of the area and in order to comply with policies CG3 and CG4 of Bolton's Core Strategy.

10. **Alternative on-site bat accommodation**

Three bat boxes of type Schwegler 1FQ shall be positioned on the south facing gabled ends of the dwellings at Plots 2, 3 and 4 (one box each). The bat boxes shall be positioned at a minimum height of 4 metres and shall be positioned to avoid any hindrance to bat flight lines into and out of the boxes and free of any light disturbance. The bat boxes shall be retained thereafter.

Reason

To ensure the favourable status of bats and to comply with policy CG1.1 of Bolton's Core Strategy.

11. **Mullions, cills and heads**

The mullions, cills and heads to the windows and external doors of the development shall be in natural reclaimed stone of a colour and texture to match to those of the proposed buildings.

Reason

To ensure the development safeguards the visual appearance of the building and in order to comply with Core Strategy policy CG3.

12. **Dormers**

Notwithstanding the submitted details, the dormer fronts and cheeks shall be clad in materials similar to the proposed roof.

Reason

To ensure the development safeguards the visual appearance of the building and in order to comply with Core Strategy policy CG3.

13. **Curtilages**

The curtilage of the approved properties are being treated for planning purposes as those defined on the approved drawing ref: PL K1022/01 Rev C.

Reason

For the avoidance of doubt as to what is permitted and to protect the openness and purposes of the Green Belt, and to comply with policy CG7AP of Bolton's Allocations Plan.

14. **Removal of permitted development rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, decking, hardstandings, fences, gates, walls, dormers or any other alterations to the roof (other than those expressly authorised by this permission) shall be constructed.

Reason

To safeguard the character and appearance of the dwellings and the surrounding area, and as the application site is located within the Green Belt. To comply with policies CG3 and OA4 of Bolton's Core Strategy and policy CG7AP of Bolton's Allocations Plan.

15. **Garages**

The garages hereby approved/permitted shall be made available at all times for the parking of motor vehicles.

Reason

The loss of garage spaces could be likely to lead to an increase in on-street parking within the development and in order to comply with Bolton's Core Strategy policies S1, P5, Supplementary Planning Document 'Accessibility, Transport and Road Safety' and Appendix 3.

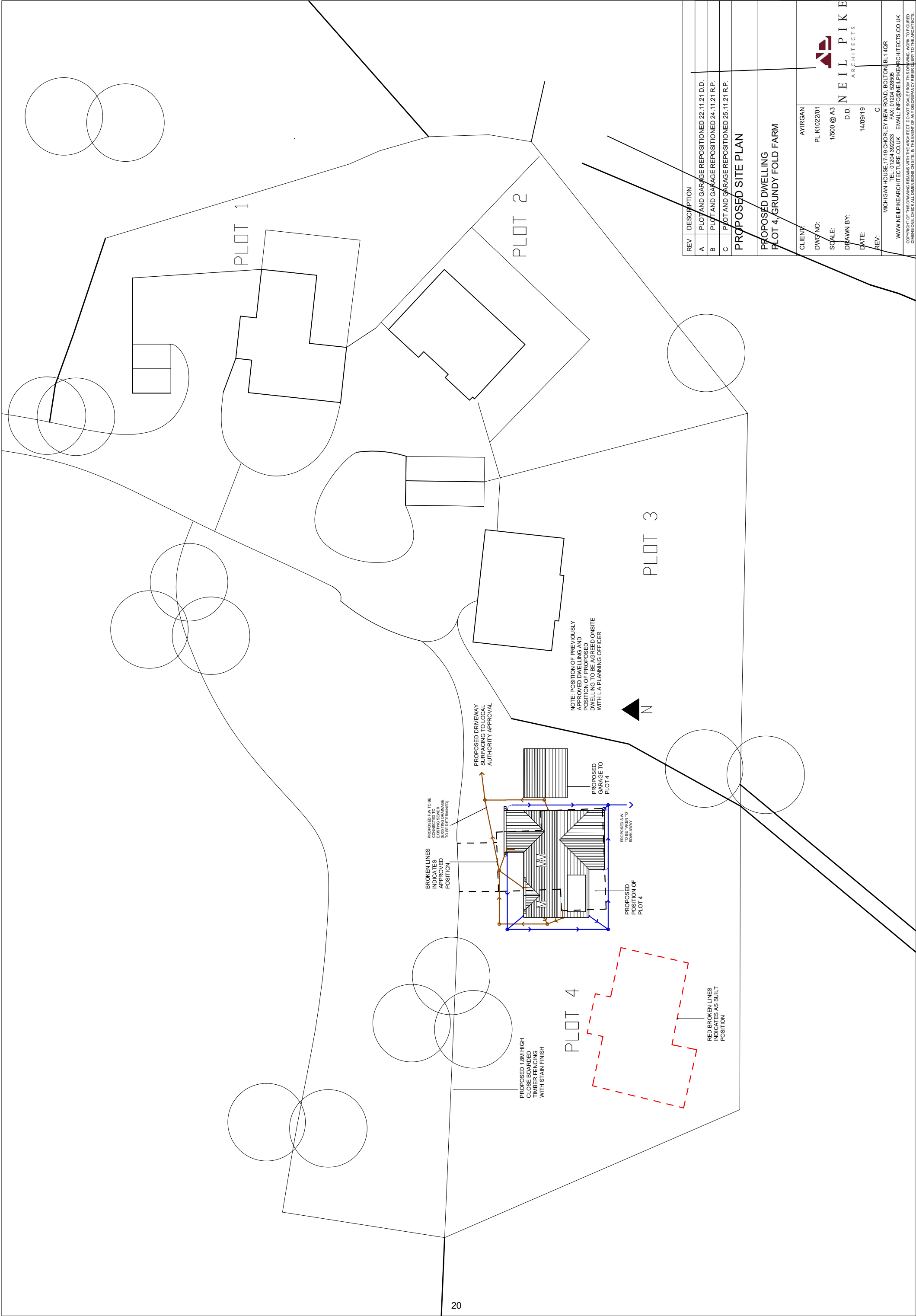
16. **Approved plans**

The development hereby permitted shall be carried out in complete accordance with the following approved plans:

**PL K1022/01 Rev C; Site Plan; revision dated 22.11.21**  
**K621/02; "Plot 1 - Proposed Ground Floor Plan"; received 07.08.14**  
**K621/03; "Plot 1 - Proposed First Floor Plan"; received 07.08.14**  
**K621/04; "Plot 1 - Proposed Second Floor Plan"; received 07.08.14**  
**K621/5; "Plot 1 - North and East Elevations"; received 07.08.14**  
**K621/6 "Plot 1 - South and West Elevations"; received 07.08.14**  
**K621/07; "Plot 2 - Proposed Ground Floor Plan"; received 07.08.14**  
**K621/08; "Plot 2 - Proposed First Floor Plan"; received 07.08.14**  
**K621/09; "Plot 2 - Proposed Second Floor Plan"; received 07.08.14**  
**K621/10; "Plot 2 - North and West Elevations"; received 07.08.14**  
**K621/11; "Plot 2 - South and East Elevations"; received 07.08.14**  
**K621/12; "Plot 3 - Proposed Ground Floor Plan"; received 07.08.14**  
**K621/13; "Plot 3 - Proposed First Floor Plan"; received 07.08.14**  
**K621/07; "Plot 3 - Proposed Second Floor Plan"; received 07.08.14**  
**K621/15; "Plot 3 - North and East Elevations"; received 07.08.14**  
**K621/16; "Plot 3 - South and West Elevations"; received 07.08.14**  
**PL K1022/02; Plot 4 "Proposed Groud Floor Plan"; dated 14/09/19**  
**PL K1022/03; Plot 4 "Proposed First Floor Plan"; dated 14/09/19**  
**PL K1022/04; Plot 4 "Proposed Second Floor Plan"; dated 14/09/19**  
**BR K1022/05 Rev A; Plot 4 "Proposed Front and Rear Elevation"; revision dated 10.02.22**  
**BR K1022/06 Rev A; Plot 4 "Proposed Side Elevation"; revision dated 10.02.02**  
**K621/27; "Proposed Garage/Car Barn Plans and Elevations"; received 28.05.14**  
**K621/28; "Proposed Garage Details - Plots 1, 4 & Farmhouse"; dated 23.11.15**

Reason

For the avoidance of doubt and in the interests of proper planning.



REV	DESCRIPTION
A	PLOT AND GARAGE REPOSITIONED 22.11.21 D.D.
B	PLOT AND GARAGE REPOSITIONED 24.11.21 R.P.
C	PLOT AND GARAGE REPOSITIONED 25.11.21 R.P.
PROPOSED SITE PLAN	
PROPOSED DWELLING PLOT 4, GRUNDY FOLD FARM	
CLIENT:	AYIRGAN
DWG NO:	PL K1022/01
SCALE:	1/500 @ A3
DRAWN BY:	D.D.
DATE:	14/09/19
REV:	C
NEIL PIKE ARCHITECTS	
MICHIGAN HOUSE, 17-19 CHORLEY NEW ROAD, BOLTON BL1 4QR	
TEL: 01204 392233 FAX: 01204 528506	
WWW.NEILPIKEARCHITECTS.CO.UK EMAIL: INFO@NEILPIKEARCHITECTS.CO.UK	
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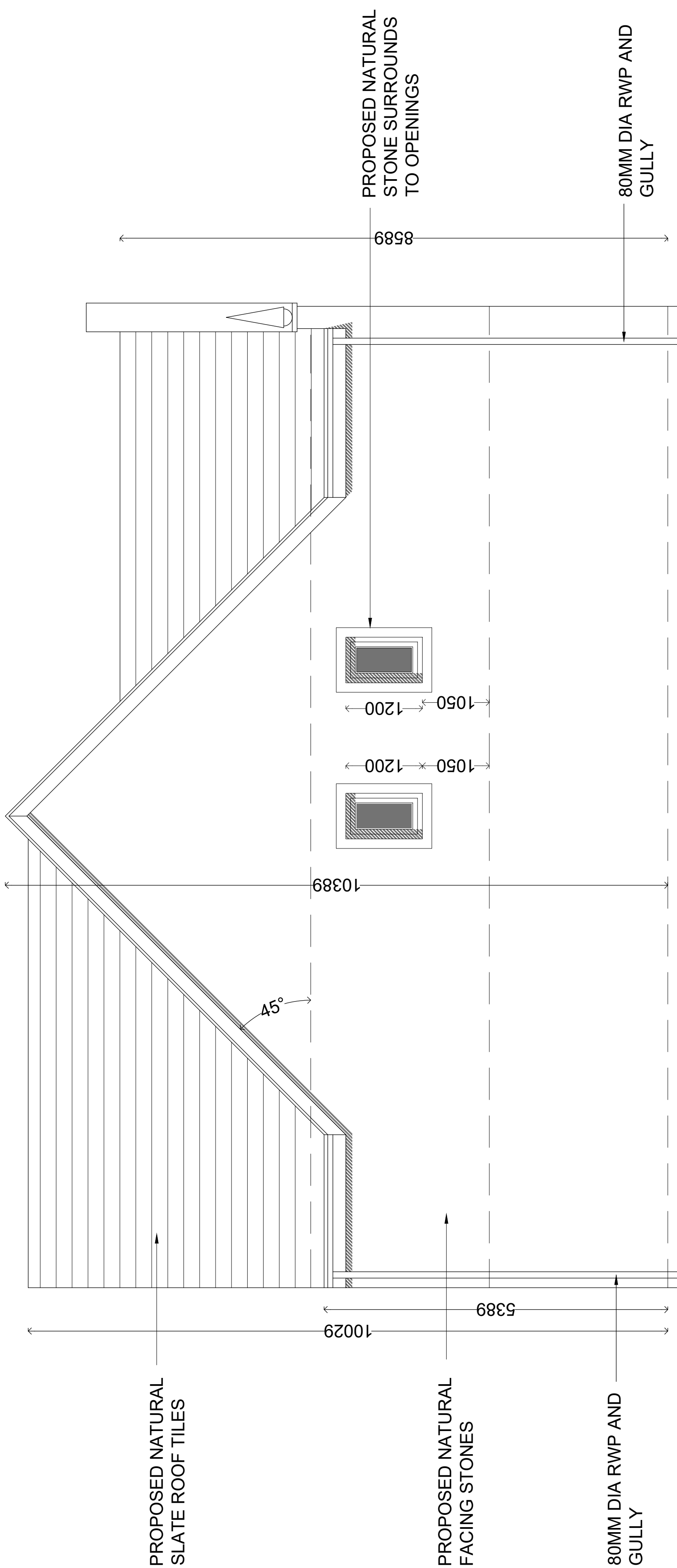
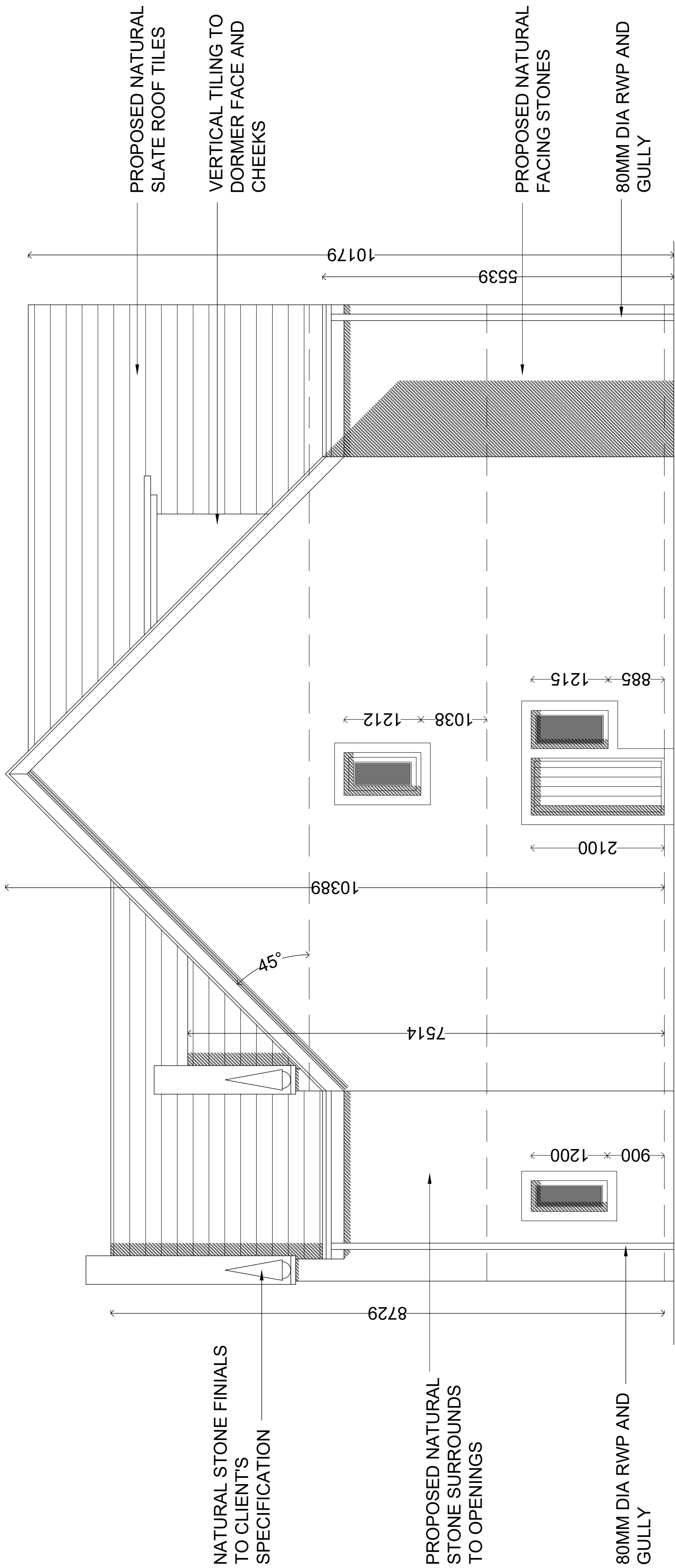


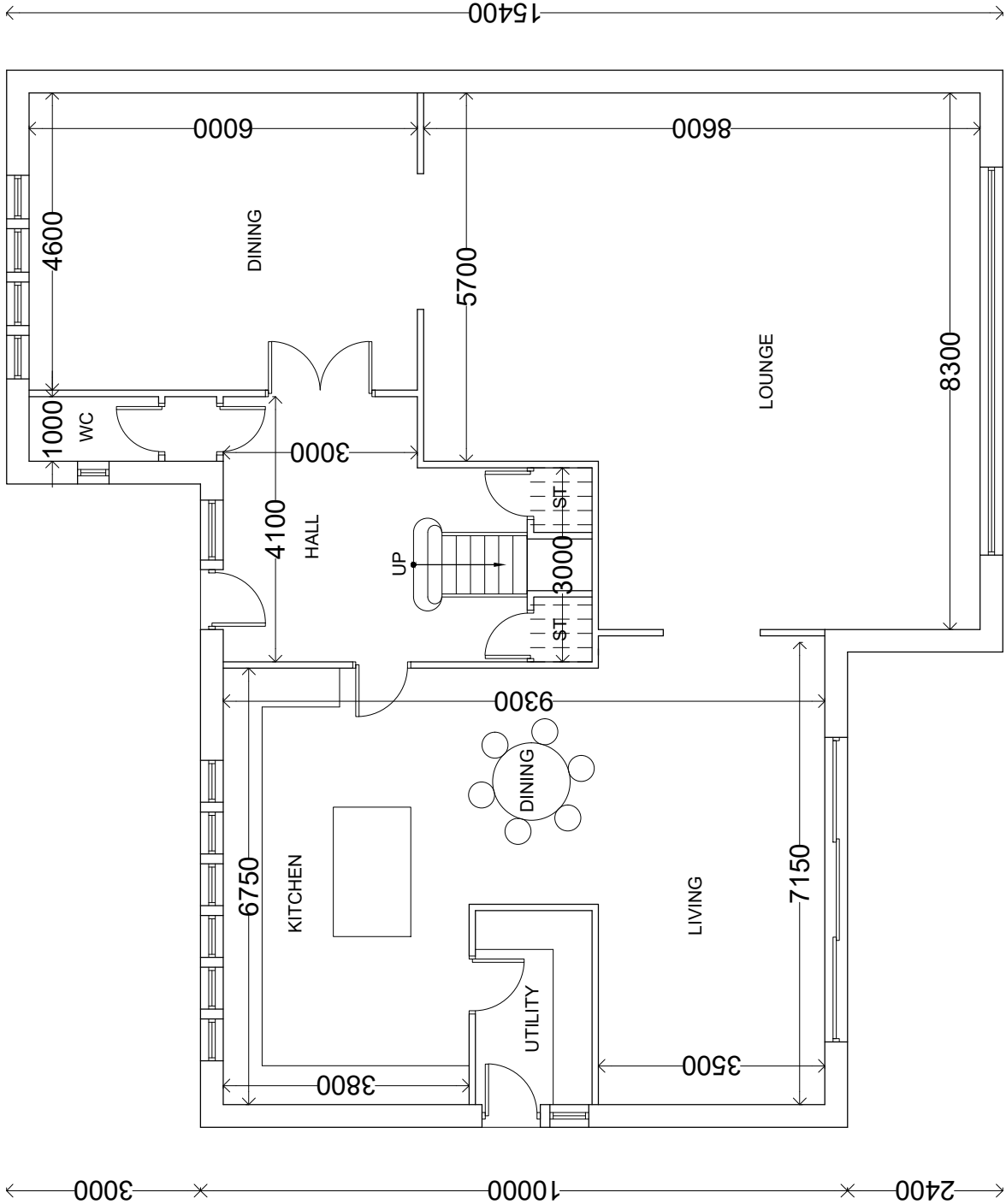




# SIDE ELEVATION

# SIDE ELEVATION

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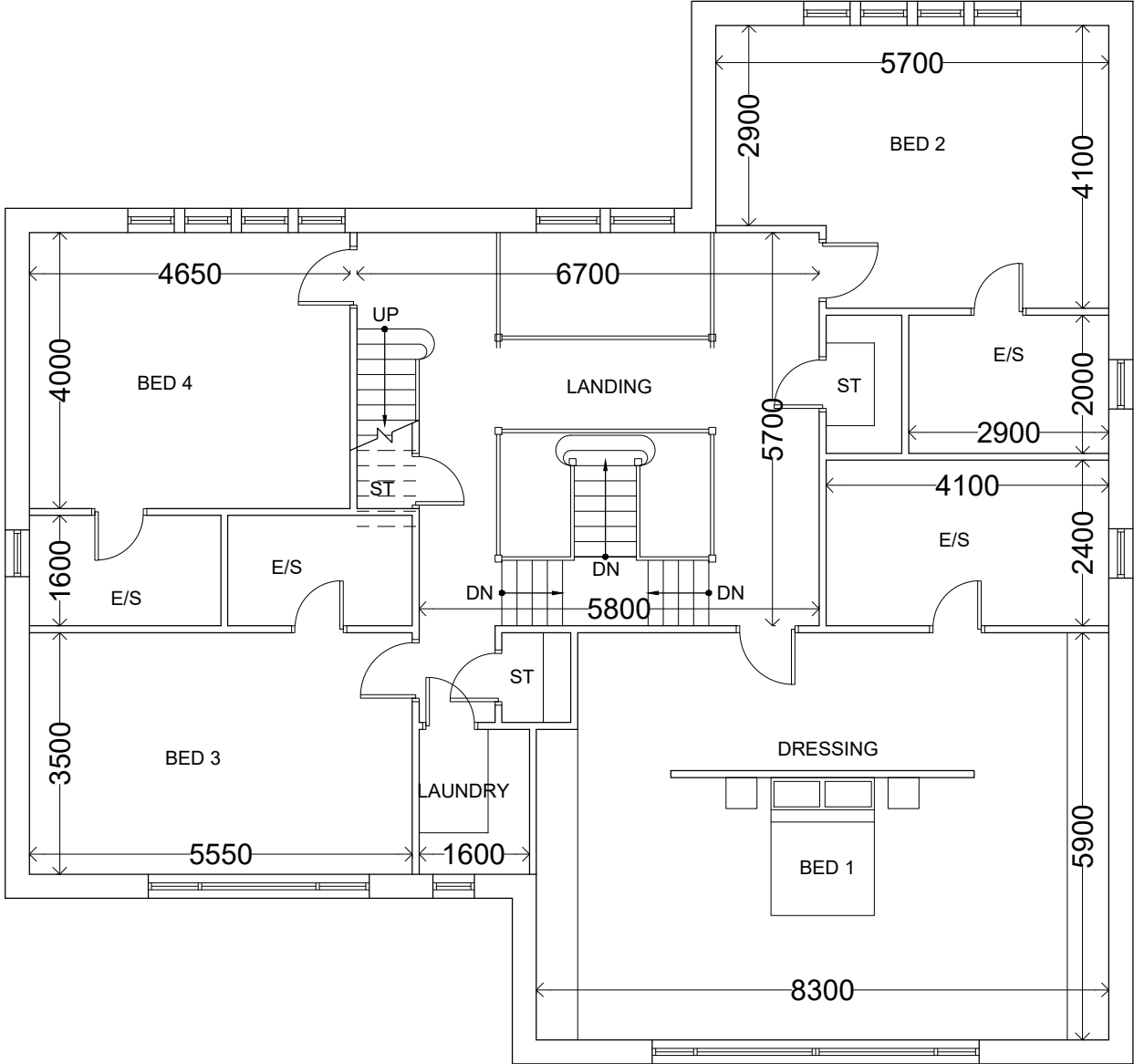
GROUND FLOOR PLAN

REV	DESCRIPTION
PROPOSED GROUND FLOOR PLAN	
PROPOSED DWELLING PLOT 4, GRUNDY FOLD FARM	
CLIENT:	AYIRGAN
DWG NO:	PL K1022/02
SCALE:	1/100 @ A3
DRAWN BY:	D.D.
DATE:	14/09/19
REV:	
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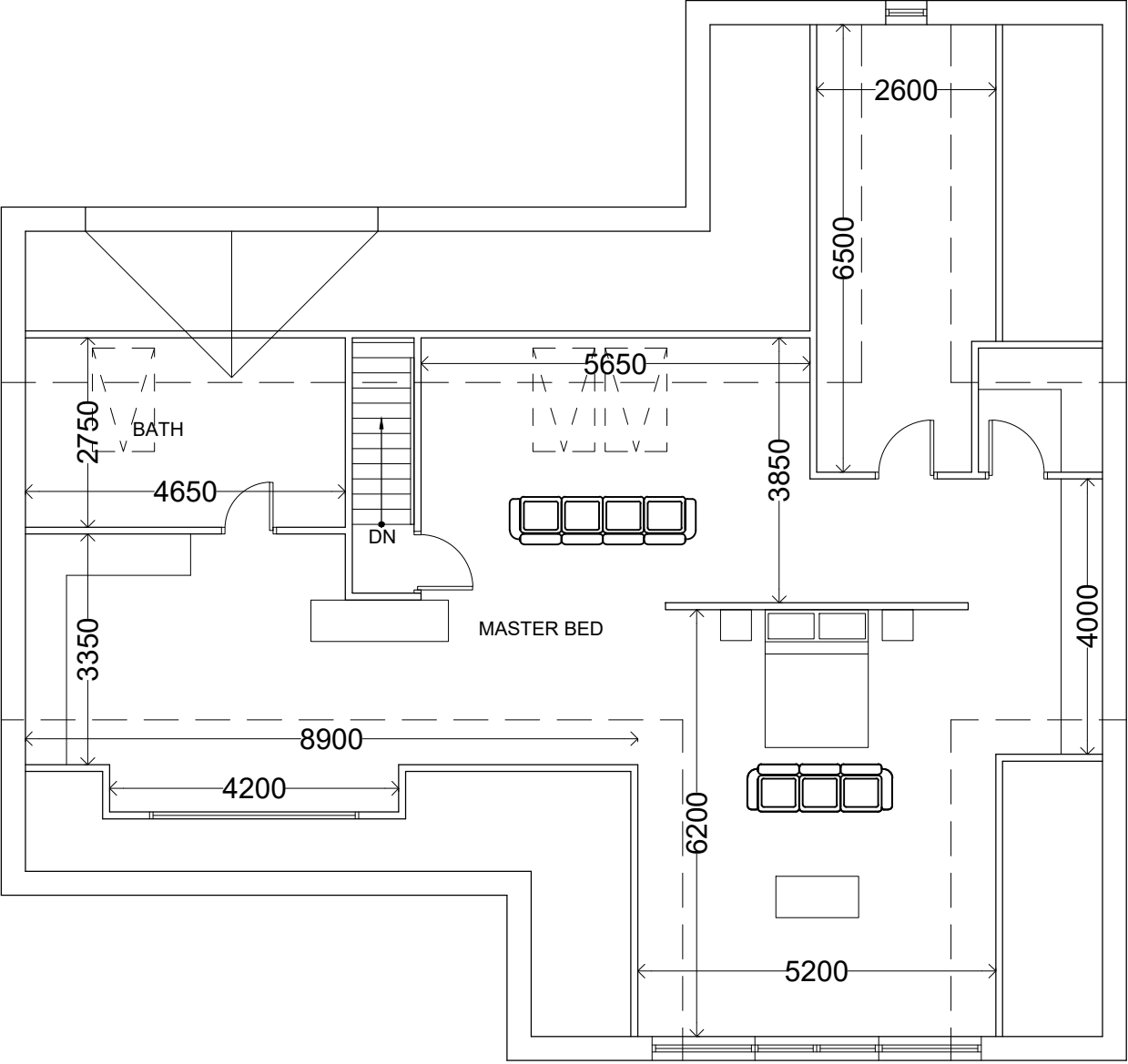




FIRST FLOOR PLAN

REV	DESCRIPTION
PROPOSED FIRST FLOOR PLAN	
PROPOSED DWELLING PLOT 4, GRUNDY FOLD FARM	
CLIENT:	AYIRGAN
DWG NO:	PL K1022/03
SCALE:	1/100 @ A3
DRAWN BY:	D.D.
DATE:	14/09/19
REV:	
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SECOND FLOOR PLAN

REV	DESCRIPTION
PROPOSED SECOND FLOOR PLAN	
PROPOSED DWELLING PLOT 4, GRUNDY FOLD FARM	
CLIENT:	AYIRGAN
DWG NO:	PL K1022/04
SCALE:	1/100 @ A3
DRAWN BY:	D.D.
DATE:	14/09/19
REV:	
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91673/14 Permission



