
Appeal Decision

Site visit made on 6 September 2016

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/W4223/W/16/3151303

Blunder Hall Farm, Dirty Lane, Scouthead, Oldham OL4 3RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Trustees of Estate of Raymond Lingard against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/336028/14, dated 17 September 2014, was refused by notice dated 14 January 2016.
 - The development is proposed conversion of disused stables to single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for proposed conversion of disused stables to single dwelling at Blunder Hall Farm, Dirty Lane, Scouthead, Oldham OL4 3RG in accordance with the terms of the application, Ref PA/336028/14, dated 17 September 2014, subject to the conditions listed in the schedule following this Decision.

Procedural Matters

2. Although the appeal site lies within the Manchester Green Belt, the evidence before me indicates that the proposed conversion of the stables is considered by the Council to fall under the provisions of Paragraph 90 of the National Planning Policy Framework (the Framework) which states that the reuse of buildings with the Green Belt is not inappropriate development provided that the buildings are of permanent and substantial construction. The existing stables are of a permanent and substantial construction, and the reasons for refusal refer to concerns other than the development's location within the Green Belt. Consequently, I see no reason to disagree with the Council in this regard. Accordingly, I have considered neither inappropriate development types nor loss of openness in the Green Belt, in the reasoning below.
3. The evidence before me also indicates that there is a fall-back scheme, as the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) grants planning permission for certain classes of development. Class Q deals with the conversion of agricultural buildings to residential use and is conditional on a Prior Approval procedure being followed. The permitted development right for Class Q does not apply a test in relation to sustainability of location¹, and when considering whether a change of use is appropriate in a particular location, the location is not a sufficient reason for

¹ Planning Practice Guidance Paragraph 108 Ref: 13-108-20150305

refusing Prior Approval applications, only as to whether the change to residential use would be impractical or undesirable². In this instance, the development would form part of an existing cluster of dwellings, and there is no evidence before me to indicate it would be either impractical or undesirable. As such, I consider the fall-back scheme to be a realistic alternative to this appeal.

Main Issue

4. The main issue is whether the appeal site is a suitable location for the change of use proposed, having regard to the proximity of public transport connections.

Reasons

5. The appeal site comprises a small stable block, set back from the road and slightly to the rear of a short series of dwellings situated at the corner of Dirty Lane and Whitegates Lane. The cluster of dwellings appears to comprise the original Blunder Hall farmhouse and converted outbuildings. The site is a few miles to the north-east of Oldham and lies on a fairly exposed ridge. However, I noted on my visit that the surrounding area contains dwellings and other buildings scattered across the landscape.
6. The Council's concern relates to the distance of the stables from public transport, and Policy 5 of the Local Plan³ (LP) states that minor development should achieve low accessibility to public transport, ie. be within a distance of approximately 400 metres of a bus route. The stables are approximately 800 metres from the nearest bus stop and as such, the Council considers the development to be in an unsustainable location.
7. I appreciate that the Council's aim, (as stated in the supporting text to LP Policy 5), is to guide development to the most accessible locations. However, the stable block forms part of an existing cluster of dwellings and its conversion would be an effective use of land as required by Paragraph 17 of the Framework. This supports the conversion of existing buildings and effective use of land, provided that the land is not of high environmental value. Furthermore, the development would be a modest two bedroomed dwelling, and the harm attributable to undue reliance on the private car would be limited.
8. Paragraph 55 of the Framework recognises that housing in rural areas can enhance and maintain the vitality of rural communities. It states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances including the re-use of redundant or disused buildings, which would also lead to an enhancement of the immediate setting. This development would comprise the re-use of a redundant building and as the area immediately surrounding it is somewhat unkempt, I consider there would be some enhancement of its setting. In addition, it would contribute to social vitality in this rural community. Consequently, I consider the development would meet the requirements of Paragraph 55 in this regard and could be considered a special circumstance.

² Planning Practice Guidance Paragraph 108 Ref: 13-109-20150305

³ Oldham Council –Joint Core Strategy and Development Management Policies Development Plan Document, adopted November 2011

9. The appellant has drawn my attention to a recent application approved by the Council⁴ where a stable to dwelling conversion was approved, even though it was some 1.25 km from the nearest bus stop. This application has been permitted since the adoption of the LP, and as such I give it some limited weight.
10. Consequently, whilst I appreciate the underlying aim of focussing development where there are transport links, I am not persuaded that the harm arising from the distance to the bus stop would outweigh the benefits outlined above with regard to the effective use of land, re-use of a redundant building and the social contribution to the rural community. Furthermore, the evidence before me indicates that in any case there is a valid and likely fall-back position.
11. In addition, I observed on my visit that the approaches to the bus stop would be along narrow rural lanes which are unlit and have no footway. It seems unlikely that they would afford safe passage to pedestrians, particularly at night or in bad weather, even were the appeal site within 400 metres of a bus stop. As such I give the argument in relation to public transport connections little weight and conclude whilst the development would be more than 400 metres from the bus stop, contrary to LP Policy 5, as outlined above, the harm would be very limited and would be outweighed by the benefits I have identified in my reasoning.

Conditions

12. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.
13. In order to ensure that adequate off-street parking facilities are provided to safeguard highway safety, I have imposed a condition in relation to the provision of access and parking spaces prior to first occupation of the development. I have also imposed a condition in relation to the provision of refuse storage and removal facilities to ensure the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area.
14. I have also imposed a condition in relation to the submission and approval of boundary treatment details. This is a pre-commencement condition as details were not submitted with the application and given the appeal site's location within the Green Belt, I consider it appropriate to ensure the local planning authority can ensure boundary treatments are acceptable. In addition, I have imposed a condition specifying that mullions, sills and heads to both windows and external doors shall be of natural stone colour and texture to match the adjacent dwellings. Both these conditions are to protect the character and appearance of the area.
15. The Council has suggested the removal of permitted development rights relating to works within the curtilage of the dwelling, works to the roof and works associated with walls, gates and fences. I concur with the Council that these conditions are both necessary and reasonable. They will safeguard the character and appearance of the area, as well as the openness of the Green Belt, which is one of the essential characteristics of the Green Belt listed in

⁴ Ref PA/334867/13

Paragraph 79 of the Framework and to which the government attaches great importance.

16. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

17. For reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan Scale 1:2500; Drawing Nos 1; 2; 3; 4; 4a; 5; 6.
- 3) Prior to first occupation of the development hereby approved the access and car parking spaces have been provided in accordance with the approved plan Dwg No. 04 and thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.
- 4) Prior to first occupation the development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use for the storage and removal of waste materials.
- 5) Notwithstanding condition 2, no development shall take place until details of the positions, design, materials and type of boundary treatment to be erected (such scheme to include any subsequent amendments as required by the Authority) have been submitted to and approved in writing by the local planning authority. Such boundary treatments as are approved shall be completed before first occupation of the development hereby approved. Development shall be carried out in accordance with the approved details.
- 6) The mullions, sills and heads to the windows and external doors of the development shall be in natural stone of a colour and texture to match the stonework within the adjacent dwellings unless otherwise agreed in writing with the Local Planning Authority.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development in Classes A, B, C, D, E, G or H of Part 1, or Class A of Part 2, of Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of the approved dwellinghouse other than those expressly authorised by this permission shall be constructed.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no windows/ dormer windows, doors or other openings shall be inserted in the north elevation of the building hereby approved without the prior written consent of the Local Planning Authority.