The Planning Inspectorate

Appeal Decisions

Site visit made on 17 October 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 31st October 2016

Appeal A Ref: APP/W4223/W/16/3148142
Roe Gate Farm, Grains Road, Shaw, Oldham OL2 8HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr S Lord against the decision of Oldham Metropolitan Borough Council.
- The application Ref PA/337487/15, dated 2 September 2015, was approved on 19 January 2016 and planning permission was granted subject to conditions.
- The development permitted is conversion of barn to form 2 no dwelling houses and two storey side extension.
- The conditions in dispute are Nos 3 and 4 which state that:
- (3) All doors and windows shall be in timber and retained as such in perpetuity.
- (4) Prior to their installation a detailed specification and colour scheme for all external doors and windows shall be submitted to and approved in writing by the Local Planning Authority (such scheme to include any subsequent amendments as required by the Authority).
- The reasons given for the conditions are:
- (3) To reflect the materials of the traditional rural building and to ensure a satisfactory standard of appearance in the interests of visual amenity.
- (4) To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area of countryside within which the site is located.

Appeal B Ref: APP/W4223/W/16/3153517
Roe Gate Farm, Grains Road, Shaw, Oldham OL2 8HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr S Lord against the decision of Oldham Metropolitan Borough Council.
- The application Ref PA/338450/16, dated 5 April 2016, was approved on 28 June 2016 and planning permission was granted subject to conditions.
- The development permitted is 1) Change of Use and conversion of existing barn to form 1 no dwelling house 2) Demolition of outbuildings and (lean-to-extension) 3) Creation of residential curtilage.
- The conditions in dispute are Nos 3 and 4 which state that:
- (3) All doors and windows shall be in timber and retained as such in perpetuity.
- (4) Prior to their installation a detailed specification and colour scheme for all external doors and windows shall be submitted to and approved in writing by the Local Planning Authority (such scheme to include any subsequent amendments as required by the Authority).
- The reasons given for the conditions are:
- (3) To reflect the materials of the traditional rural building and to ensure a satisfactory standard of appearance in the interests of visual amenity.
- (4) To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area of countryside within which the site is located.

Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matter

2. The description of the application of Appeal A includes reference to a two storey side extension; however, I note that the plans were amended during the course of the application to remove reference to the two storey extension. The description of the proposal on the decision notice was not, however, updated to reflect this. The application was determined on the basis of the amended plans showing the removal of the two storey side extension and I have, therefore, dealt with the appeal on the same basis.

Preliminary Matter

3. The proposal is situated within the Greater Manchester Green Belt. The Council considers that the proposal falls within the remit of paragraph 90 of the National Planning Policy Framework (the Framework) which allows for the re-use of existing buildings within the Green Belt provided that the buildings are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. I have no reason on the basis of everything that I have read and seen to depart from the Council's view that the proposal would fall within the remit of paragraph 90 of the Framework. This being so, I share the Council's view that the appeal proposal would not be inappropriate development in the Green Belt.

Main Issue

4. The main issue in this case is whether the conditions are reasonable and necessary in the interests of the character and appearance of the area.

Reasons

5. The appeal site comprises a former farmhouse with attached barn located within the Green Belt to the south of Grains Road. The land and buildings associated with the house are now run as a mixed equestrian and agricultural use. Public Right of Way (PRoW) no 9 runs along the gable of the farmhouse to which the barn is attached and PRoW no 27 runs up the vehicular access lane to the farm.

6. Appeal A relates to the conversion of the barn to form 2 dwelling houses and Appeal B relates to the change of use and conversion to form 1 dwelling house, demolition of outbuildings and the creation of residential curtilage. Both were granted permission subject to conditions requiring the doors and windows to be in timber and retained as such in perpetuity and also requiring the submission of a detailed specification and colour scheme of all external doors and windows.

7. The barn attached to Roe Gate house is a traditional stone building of substantial construction. There is a single storey lean to stone addition to the front of the barn which will be retained and a single storey lean two breeze block extension to the rear which will be demolished in order to reveal the rear stone elevation of the barn. The appellant refers to historic maps which suggest that the building was a 'laithehouse' which is a building comprising a house, barn and byre all under one roof, but without any intercommunication or means of access between the house and the laithe. This historical function and relationship is reflected in the design of the appeal property. The distinctly agricultural design of the barn with few existing window and door openings contrasts with the more formal and domestic appearance of the farmhouse.

8. A number of new window and door openings are proposed in order to enable the conversion including two new windows on the south west (front) elevation and a glazed screen into the existing barn door openings. A number of new windows are proposed on the north east (rear) elevation and a vertical patterned glazed screen is proposed in the south east elevation together with the retention of the existing roller shutter door.

9. The proposed elevational treatment and fenestration pattern of Appeal A and Appeal B are very similar, other than slight differences in the position of a window on the front elevation and the relocation of the door on the north east elevation. Attention is drawn to the existing farmhouse which has uPVC Rosewood windows and doors. However, it is not clear from the evidence when these were installed and it is unlikely that they would have required planning permission. Furthermore, the farmhouse is domestic in character with a regular fenestration pattern.

10. A number of new window openings are proposed which I note have been amended during the course of the application to be reduced in size in order to reflect the vertical opening present on the gable of the barn. However, I consider that the domestic design and modern, stark materials of the uPVC windows and doors would contrast markedly with the agricultural nature of the barn and result in a more domestic appearance. Furthermore, the contrast which reflects the historic relationship of the farmhouse and barn would be lost. The proposal would, therefore, harm the traditional character and agricultural appearance of the barn.

11. Moreover, the appeal property is in an elevated position and is highly prominent in views from the surrounding public footpaths. Consequently, the proposal would harm the character and appearance of the surrounding countryside. Whilst the proposal may bring some benefits for the appellant and future occupiers in terms of improved energy efficiency and maintenance, I consider that these are outweighed by the significant harm which I have identified.

12. Attention is drawn to paragraph 60 of the Framework which states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, it goes onto say that it is proper to seek to promote or reinforce local distinctiveness and for the reasons stated above I consider that the proposal would not achieve this objective.

13. I, therefore, conclude that conditions 3 and 4 of Appeal A and B are both reasonable and necessary in order to protect the character and appearance of the host property and the surrounding area. Consequently, the proposal would be contrary to Policy 20 of the Oldham Joint Core Strategy and Development Management Policies 2011 which requires development proposals to meet a number of design principles including local character and well designed buildings.

Conclusion

14. The proposal would not meet the environmental dimension of sustainable development as set out at paragraph 7 of the Framework. The proposal would not, therefore, constitute sustainable development. For the reasons stated above and taking all other considerations into account Appeal A and B should be dismissed.

Caroline Mulloy

Inspector