
Appeal Decision

Site visit made on 29 November 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 8 December 2016

Appeal Ref: APP/P4225/W/16/3157952
"Timbercliffe", Littleborough, OL15 9QN

- 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 Mr Andrew Smith against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 16/00539/FUL, dated 4 May 2016, was refused by notice dated 16 August 2016.
 - The development proposed is a change of use from barn to dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council made its decision the Council has adopted its Core Strategy (CS). Some policies have replaced former Unitary Development Plan Policies. The appellant has been notified of the specific changes. I shall refer to the updated policies in my decision.

Main Issues

3. The appeal site is in the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework;
 - The effect of the proposed development upon the character and appearance of the countryside;
 - The effect of the proposed development upon the public right of way;
 - The effect of the proposed development upon the living conditions of the future occupiers of the proposed dwelling with regard to internal space; and
 - Whether the proposal would represent sustainable development in terms of its location.

Reasons

Whether or not it would be inappropriate

4. Paragraph 79 of the National Planning Policy Framework says that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 90 says that certain types of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the
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- Green Belt. These include engineering operations and the re-use of buildings provided that the buildings are of permanent and substantial construction.
5. However, the Council is of the opinion that the proposed garden and re-graded vehicular access would change the use of the land and would therefore constitute inappropriate development. I disagree with this approach as it is inevitable that if a building changes its use, the land associated with it will automatically change its use.
 6. The proposed garden, whilst having some minor visual impact due to the construction of the patio, would, nevertheless retain openness. It would be too small to accommodate a significant amount of domestic paraphernalia. The stone wall, fences and new gabion walls would introduce a very small amount of built development but these would be modest and some curtilage changes are inevitable when changing the use of an agricultural building to a dwelling. The level of alterations in this case would not conflict with, or have any significant effect upon, the openness of the Green Belt.
 7. I therefore conclude that the proposed change of use would not constitute inappropriate development in the Green Belt and I find no conflict with Paragraphs 79-90 of the Framework. In addition, I find no conflict with Rochdale Unitary Development Plan, 2006, (UDP) Policy G/D/2 or CS Policy G4 which seek to protect the Green Belt from inappropriate development, including the protection of openness.

Character and Appearance

8. The site is on a hill and long range views of it are possible. The proposed dwelling would involve some changes in level to limited areas of land surrounding the building and the access track would be surfaced in "Grasscrete" but these alterations would be very minor and I do not consider that they would have any perceptible impact upon the landscape.
9. The proposed garden would be screened by existing trees and in any event, it would be very small. I note that the Council has no objection to the detailed design of the proposed elevations.
10. I also note that the site is near to the Rock Nook Conservation Area. The Council has not raised any objection in respect of the character or appearance of the conservation area and due to the small scale nature of the proposal I have no reason to find otherwise.
11. I therefore conclude that the proposed dwelling would have an acceptable impact upon the character and appearance of the countryside and I find no conflict with CS Policy G6 which seeks to protect the landscape. Neither do I find conflict with the Framework which indicates that planning should take account of and recognise the intrinsic character and beauty of the countryside.

Effect upon the Public Right of Way (PROW)

12. Access to the site would utilise an existing track which is also a PROW. The Council's highway engineer advised that the parking provision, within a double garage, would be acceptable and that she had no objections on highway grounds. I agree that the proposed development would not harm highway safety as it would be small scale and away from the public highway network.

13. However, the effect upon the PROW is a separate issue to that of highway safety. Neighbours have raised the point that manoeuvrability into and out of the garage would be difficult given the narrow width of the track and I too, am unconvinced by the submitted plans that 2 cars would be able to get in and out of the garage onto the track without excessive and difficult manoeuvring. Even if manoeuvrability were easy, and there were only one car associated with the property, the fact that the garage would have a door would make it inconvenient to park inside it, especially for visitors.
14. In my view, the parking arrangement is impractical and there would be an unacceptable risk that drivers would park their car on the PROW which would block it and cause inconvenience to users. I note the appellant's comments that this would be no different to the appellant parking his vehicle on the track when managing the agricultural land, however, residential parking can be for prolonged periods, e.g., all day and night. There was no objection from the Council's Environmental Action Unit to the proposal but it did point out that the PROW could be blocked by vehicles during construction and that a diversion would be necessary. However, I am of the view that the development would present a high risk of blocking the PROW beyond the construction period. I note the improvement to the gradient and surface but these factors do not overcome the harm I have identified.
15. I therefore conclude that the proposed development would have a harmful effect upon the PROW. Consequently, there would be conflict with CS Policy T2 which gives priority to people with impaired mobility and pedestrians.

Internal Layout

16. The sectional drawing shows that the ceiling height of the ground floor would be some 2.5m which I consider to be acceptable. The ceiling height to the apex of the roof on the first floor appears to be similar. I appreciate that the ceiling would slope but given that most people would be able to stand up within the first floor, I consider that the ceiling heights would be acceptable.
17. I therefore conclude that the proposed dwelling would provide acceptable living conditions for future occupiers. Consequently, I find no conflict with CS Policies C3 and DM1 or with the Framework which, in combination, seek to ensure that development provides a good standard of design, layout and amenity for future occupants.

Locational Sustainability

18. The appellant has provided the Burnley – Todmorden - Rochdale bus time table. However, I note that services Monday to Saturday are roughly hourly and the service stops at around 7pm. Furthermore, there is no Sunday service. I also have details of the 590 Halifax - Rochdale which runs later and on a Sunday but is also mostly an hourly service. The appellant says that the bus stop is some 376m from the appeal site which is not an unreasonable distance to walk. Between the 2 services, I consider that the site has moderate access to public transport.
19. Sladen Wood Mill Business Centre is also within walking distance to the site, however, I have no evidence about what type or level of employment this site could provide and it would be unrealistic to expect the occupants of the dwelling to work there.

20. There is a primary school just under 600m from the site which is within walking distance. However, I have not been made aware of any further shops, services or facilities within walking distance of the site. Therefore, in terms of access to services by foot the site is isolated.
21. Overall, in spite of the bus service, I consider that the site is isolated from day to day services due to a lack of facilities within walking distance. Therefore, I conclude that the proposal would not represent sustainable development in terms of its location. It would therefore conflict with Paragraphs 17 and 55 of the Framework which say that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to avoid isolated homes in the countryside.
22. I note the appellant's comments that the development would re-use a disused building and lead to an enhancement to the immediate setting of the site but, whilst not causing harm, I disagree that the domestication of the rural site would represent an enhancement to its setting.

Conclusion

23. Whilst I find that the development would not be inappropriate in the Green Belt; that it would not harm the character and appearance of the countryside; and that it would provide adequate living conditions for future occupiers, this lack of harm does not overcome the harm I find to the PROW or to the harm caused to the environment by the unsustainability of the location of the proposed dwelling. The proposal therefore, does not represent sustainable development.
24. I have taken into account all other matters raised but none outweigh the conclusions I have reached and the appeal is dismissed.

Siobhan Watson

INSPECTOR