
Appeal Decision

Site visit made on 20 December 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 6 January 2017

Appeal Ref: APP/W4223/W/16/3159303

Hilltop Farm, Knott Hill Lane, Delph, Oldham OL3 5RJ

- 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 J Cartwright against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/338164/16, dated 10 February 2016, was refused by notice dated 17 May 2016.
 - The development proposed is the change of use of two barns to form two separate dwellings and a single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of two barns to form two separate dwellings and a single storey extension at Hilltop Farm, Knott Hill Lane, Delph, Oldham OL3 5RJ in accordance with the terms of the application, Ref PA/338164/16, dated 10 February 2016, subject to the attached schedule of conditions.

Main Issue

2. The main issue is whether the proposed change of use would result in the creation of isolated dwellings in an unsustainable location, having regard to the location of the site in the countryside

Reasons

3. The appeal site comprises two separate well-maintained stone constructed barns currently used for domestic storage. The barns are sited within the curtilage of Hilltop Farm which contains two dwelling houses and is located close to a small block of three residential terraced properties positioned on the opposite side of the road. Other than this small cluster of existing development, the site is surrounded by open countryside and accessed by relatively narrow country roads.
 4. The proposed development would involve the change of use of the barns to form two separate dwellings together with the construction of a 'L' shaped ground floor side and rear extension to Barn No 1 to create a garden room.
 5. The Council's approach to the consideration of the sustainability of a residential site is set out in Policies 3 and 5 of the Oldham Development Plan Document - Joint Core Strategy and Development Management Policies 2011 (DPD). Policy 3, amongst other things, indicates that minor residential development,
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- comprising of less than 10 dwellings, should be within 480m or approximately ten minutes walking time of at least two key services which include employment, local shopping parades, health facilities and services, schools and community uses such as libraries.
6. Policy 5, amongst other things, promotes accessibility and sustainable transport choices and requires minor development to achieve 'Low Accessibility' which is defined as being within approximately 400 metres of a bus route.
 7. The appellant indicates that the site is approximately 1000m from Delph which provides a range of key services including shops, a library, theatre, school, church and health centre. In addition, the appellant has referred to a document produced by Transport for Greater Manchester (TfGM) – 'Transport for Sustainable Communities': A Guide for Developers' which indicates that as a rule of thumb 400m equates to five minutes walking time. Consequently, the appellant contends that Delph is within approximately a ten minute walk of the site and that at a steady walking pace the village can be accessed within ten minutes thirty seconds. I have no evidence to suggest that appellant's calculation of the distance of the site from Delph, or the walking time, may be incorrect.
 8. There is some dispute between the main parties regarding the distance that the site may be located from a bus service. The Council suggests that the nearest bus stops are over 1190m from the site whilst the appellant suggests that a footpath route, approximately 813m long, links the site with the A62 Oldham Road which has bus stops in both directions located a few metres from where the footpath joins the road.
 9. I have no evidence to indicate which, if any, of the above distances to a bus stop may be correct. However, whichever figure is used, it is clear that the proposal would not be located within 400m of a bus service as required by Policy 5.
 10. Paragraph 29 of the National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary from urban and rural areas. As such, a higher proportion of journeys by car may be expected within rural areas. In my view, the site is located within a reasonable walking distance of a number of key services. Whilst it is not located within 400m of a bus route, I consider that it is within a reasonable walking distance of bus services. I accept that the use of public transport by occupants of the barns to access more major service centres is unlikely. However, taking into account the rural location of the site I consider that this represents a circumstance where paragraph 29 of the Framework would be applicable.
 11. The Council has argued that the site is not suitable for housing due to its unsustainable location. Taking into account the above factors, in my view, the location of the site is not so unsustainable in terms of access to transport by alternatives to the car to warrant this appeal to be dismissed on those grounds alone. However, paragraphs 7 and 8 of the Framework advise that there are three dimensions to sustainable development: economic, social and environmental that should be sought jointly and simultaneously through the planning system. I will now consider each of these in turn.

12. Whilst the Council has not identified any economic harm, there would be some modest economic benefits associated with the construction of the proposed extension in terms of local employment and the supply of materials. On occupation of the barns there would be a small continued support towards local facilities and services as well as providing a modest contribution to housing supply. Overall, the proposed development would have some economic benefits and collectively these considerations are of very significant weight in favour of allowing the appeal.
13. I consider that site is within adequate walking and public transport links to local facilities. Whilst it is inevitable that some services would be accessed by car, given the opportunity for walking, cycling and public transport use, I do not consider that the location of the appeal site would cause significant environmental harm. In addition, I agree with the appellant that the re-use of the barns would safeguard their future and avoid physical deterioration which would have a negative impact on the character and appearance of the locality.
14. Given the relationship of the site to existing development in the vicinity of Hilltop Farm, I do not consider that the proposed change of use would result in the creation of isolated homes in the countryside. In my view, the proximity of the site to nearby properties would allow for social interaction and help support the facilities within Delph. Consequently, the proposed development would provide some positive social benefit.
15. I accept that the appeal site's location is at the margins of sustainability. However, it abuts the curtilage of existing residential development on two sides. As such it cannot be regarded as comprising isolated development in the countryside. The provision of two additional dwellings involving the re-use of existing buildings would also make a modest contribution to the supply of housing in the Borough and would support the retention and development of local services and community facilities in nearby villages, thereby promoting the rural economy.
16. For the combination of these reasons, I conclude that the proposal would constitute an acceptable form of sustainable development, when assessed against the policies in the Framework as a whole. Consequently, there would be no conflict with Policy 3 of the DPD.
17. The requirements of Policy 5 are not fully met, in terms of the distance to a bus route. However, taking into account the advice provided in paragraph 29 of the Framework, and the modest nature of the proposed change of use, I do not consider that this proposal materially conflicts with the overall transportation objectives of Policy 5 to the extent that it would constitute unsustainable development.

Other matters

18. The appeal site is located within the Green Belt. The Council have found that the proposal does not constitute inappropriate development. However, I have nonetheless had regard to the duty to pay special attention to ensuring that development is not harmful to the Green Belt by reason of its inappropriateness. Paragraph 90 of the Framework identifies that the re-use of buildings in the Green Belt is not inappropriate development provided that the buildings are of permanent and substantial construction and that openness of the Green Belt is preserved.

19. In this respect, I concur with the Council that the current buildings are both permanent and substantial and that the proposed rear extension to Barn 1 and the creation of residential curtilages would have a neutral effect on openness. Consequently, I am satisfied that the proposal would not constitute inappropriate development within the Green Belt.

Conditions

20. Although the Council has not suggested any conditions, in addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used.
21. Except for those extensions permitted to Barn 1 by virtue of this decision, I have restricted further extensions to the barns, which appears to me could otherwise be enlarged excessively in relation to the plot size and adversely affect the openness of the Green Belt.

Conclusion

22. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

1. The change of use hereby permitted shall begin not later than three years from the date of this decision.
2. The change of use hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Plan No P757-01 Existing Site Layout; Plan No P757-02-03 Site Layout; Plan No P757-05-01 Barn 1 Existing Layout; Plan No P757-06-01 Barn 1 Existing Elevations; Plan No P75707 Barn 2 Existing Plan; Plan No P757-08 Barn 2 Existing Elevations; Plan No P757-10-02 Barn 1 Proposed Plan; Plan No P757-11-02 Barn 2 Proposed Plan; Plan No P757-12 Barn 1 Proposed Elevations; Plan No P757-13-01 Barn 2 Proposed Elevations.
3. The materials to be used for the external surfaces of the extension hereby permitted shall match those used in the construction of the existing building.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), the dwellings hereby permitted shall not be enlarged under the provisions of Schedule 2, Part 1, Class A or B of that Order.