

Appeal Decision

Site visit made on 21 March 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/W4223/W/16/3166019

Land between Thornlea Brook Farm and Fern Cottage, Thornley Lane, Grotton, Oldham OL4 5RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Wild against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/338271/16, dated 9 March 2016, was refused by notice dated 4 August 2016.
 - The development proposed is the erection of 1 No dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The outline planning application was amended prior to the Council's decision. The original proposal was for two detached dwellings on the site. Due to the proximity of a culvert the appellant submitted amended plans for one detached dwelling on the site on 29 June 2016. This formed the basis of the Council's refusal notice. I have therefore determined this appeal against such plans and on the basis that the proposal is submitted in outline with all detailed matters reserved apart from layout and access.

Main Issues

3. The main issue relates to whether or not (i) the proposal would result in an isolated dwelling in an unsustainable location and (ii) the effect of the erection of a dwelling upon the character and appearance of the area.

Reasons

Site and Proposal

4. The appeal site falls outside of the built up area and in an area of land which is referred to as "Other Protected Open Land" on the proposals map of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies 2011 (CS). It is an area of land which includes a significant number of trees and is positioned between Fern Cottage to the east, which is a detached dwelling, and Thornlea Brook Farm to the west. The rear gardens belonging to the detached dwellings off Thornley Park Road, which are positioned at a higher level, abut the north
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eastern boundary of the site. The site is accessed from Thornley Lane which is relatively narrow in places.

5. It is proposed to erect one dwelling on the site which would include the widening of Thornley Lane and the provision of a driveway to the front including the provision of a turning head. Several trees would be removed within the centre of the site and one tree would be removed which fronts onto Thornley Lane. The proposed dwelling would be positioned so that it is roughly in line with Thornlea Brook Farm and the detached garage belonging to Fern Cottage.

Isolated dwelling

6. Policy 5 of the CS states that minor development, such as the appeal proposal, should "*achieve 'low accessibility' as a minimum*". Low accessibility is defined by the policy as being "*within approximately 400 metres of a bus route with a service or a combination of services, running less frequently than the medium accessibility*". The nearest bus stop is approximately 482 metres from the application site. Consequently, the proposal does not accord with the minimum accessibility threshold as outlined in the Policy 5 of the CS.
7. In addition to the above, Policy 3 of the CS states that minor residential development should have "*access to at least two key services*". The policy defines access as being within approximately 480 metres or approximately ten minutes' walk time of a key service. Whilst St Agnes C of E Primary School is about 480 metres from the site, there are no other services within ten minutes' walk of the site or within 480 metres. I note the appellant's reference to another planning permission (i.e. PA/334626/13), but based on the evidence submitted by the appellant, it would appear that such development was closer to key services than the appeal site. In any event, I have determined this appeal on its individual planning merits.
8. In addition to the above, I noticed on my site visit that parts of Thornley Lane had no footpaths, were unlit and were very narrow. Therefore, I consider that it is reasonable to conclude that most of the journeys from the site to the nearest settlements of Lees and Grotton would be made by private motor vehicle. I note that the appellant considers that Lees and Grotton are close enough to walk to for day to day facilities and services. However, given the distances involved, and the aforementioned nature of Thornley Lane, I consider, on the evidence before me, that most journeys would be undertaken by private motor vehicle. Furthermore, and, in any event, the proposal would not accord with Policies 3 and 5 of the CS and so the proposed dwelling would not be accessible to key services and would be sited in an unsustainable location from a travel choice point of view.
9. The appellant has referred me to the potential to walk from the application site to Grotton town centre "*via a footpath to Thornley Park Road, Station Lane and Station Road to Oldham Road which is a distance of approximately 650 metres*". I have not been provided with a plan which specifically shows the full extent of this route or indeed whether it is lit and safe at all times. Furthermore, I have not been provided with any evidence that this would meet the requirement of Policy 3 of the CS which states that sites should be within approximately 480 metres or ten minutes' walk time of key services. However, even if I had have been provided with such evidence this would not have

overcome the fact that the proposal does not achieve low accessibility as a minimum.

10. In respect of paragraph 55 of the National Planning Policy Framework (the Framework), I accept that the dwelling would not be isolated in the sense that it would be flanked by existing dwellings on two sides. However, for the reasons outlined above, it would be isolated from public transport provision and would not be at a reasonable distance from a number of key and close by services which would be needed on a day to day basis. In respect of paragraph 55 of the Framework there are no identified "*special circumstances*" which would justify allowing the proposal. I therefore conclude that the proposal would not accord with the sustainability and accessibility objectives of the Framework and Policies 1, 3, 5 and 11 of the CS.

Character and appearance

11. It is very apparent when travelling from the east to the west along Thornley Lane that the amount of development becomes more sporadic and that there is a greater degree of separation between properties. Such separation is either by means of open and green land or by means of more wooded areas. The appeal site provides an attractive wooded area which separates Fern Cottage from Thornlea Brook Farm and this ensures that there is a characterful transition from the more built up development to the east and the more rural and verdant areas to the west.
12. I acknowledge that the site is not open as it includes a lot of trees. However, it is undeveloped and for the aforementioned reasons its green and wooded appearance adds positively to the distinctive character of the area. There are a number of self-seeded trees on the other side of Thornley Lane and so the tree lined nature of both sides of the lane makes for a very attractive rural environment when passing the site.
13. Whilst the proposed dwelling would be relatively close to existing buildings, and hence the proposal would essentially comprise an infill proposal, Policy 22 (Protecting Open Land) of the CS states that in this area proposals should not "*affect the openness, local distinctiveness or visual amenity of the OPOL*". In this case, the dwelling would represent a movement away from the more sporadic pattern of development in this part of Thornley Lane which is characterised as being lower in density than the more built up development to the east and north east. Furthermore, the removal of a significant number of trees within the heart of the site, and one along the frontage with the lane, coupled with the erection of a dwelling and a wide drive/turning area, would significantly detract from the distinctive character referred to above.
14. I accept that views of the site would be largely localised due to the topography of the surrounding land, but I conclude that when travelling up and down Thornley Lane the proposal would cause significant harm to the character and appearance of the area. Whilst it may be possible to plant some new trees/shrubbery on the site, I am not persuaded, given the proposed layout, that this would be capable of appropriately screening the whole of the development. For the collective reasons outlined above, I conclude that the proposal would not accord with the design and countryside aims of Policy 22 of the CS. This is a matter which is of overriding concern.

Other Matters

15. I have taken into account representations made by other interested parties including the occupier of No 23 Thornley Park Road. A number of the comments made have already been addressed in the above reasoning. I do not consider that there is any objective evidence to indicate that the proposal would cause harm to local wildlife.
16. Subject to changes to the highway and on site turning facilities, I have no reason to disagree with the conclusions reached by the Highway Authority who raised no objection to the proposal from a highway safety point of view. There is no evidence to suggest that the proposal would lead to significant flooding issues in the locality.
17. I acknowledge that the proposal would seek to provide some additional housing choice in the locality and that it would make some, albeit a small, contribution to the supply of housing sites in the area. In addition, the occupiers of one dwelling would likely spend some money in the local area thereby helping to boost the local economy. In addition, there would likely be some construction employment. However, these social and economic benefits associated with the erection of one dwelling would be relatively limited and would not outweigh the significant environmental harm that I have identified in respect of my conclusions on the main issues. When all issues are balanced, and considered as a whole, the proposal would not deliver a sustainable form of development.
18. None of the other matters outweigh my conclusions on the main issues.

Conclusion

19. For the reasons outlined in this decision, and taking into account all other matters raised, the proposal would not accord with the development plan for the area and would fail to deliver a sustainable form of development. Therefore, the appeal is dismissed.

Daniel Hartley

INSPECTOR