
Appeal Decision

Site visit made on 20 June 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/W4223/W/17/3172015

Land at Ballgrove, Uppermill OL3 6JG

- 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 R Buckley against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/339135/16, dated 9 September 2016, was refused by notice dated 24 January 2017.
 - The development proposed is the erection of 1 No. stable (private domestic), tack/store and muck midden.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No. stable (private domestic), tack/store and muck midden at land at Ballgrove, Uppermill OL3 6JG in accordance with the terms of the application, Ref PA/339135/16, dated 9 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16031/05; 16031/05; 16031/06 and the site location plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the external surfaces of Ballgrove Barn.

Main Issue

2. The main issue is the effect of the proposal on the setting of the grade II listed buildings of 1 and 2 Ballgrove and Ballgrove Cottage (3 Ballgrove) and the adjacent Ballgrove Barn.

Reasons

3. The appeal site is next to Ballgrove Barn which has been converted and extended¹ to secure its optimum use. The site is on the western side of Rush Hill Road that separates Ballgrove Barn and the mid to late C18 watershot stone and slate listed buildings of Nos 1, 2 and 3 which are former weaver's

¹ Council Application Ref: PA/336832/15

cottages. A sizeable extension was added to No 3 in the 1990s. It now forms 4 Ballgrove which is connected by a glazed link. Due to the areas topography, the small hamlet of Nos 1 to 3 and the more recent No 4 are elevated and above much of the subsequent residential development. Thus, their three storey westerly facing principal elevations are dominant² and imposing features in the skyline, albeit the ground floors are screened by a mature hedge.

4. The dwellings on Rush Hill Road and Rush Grove are well screened by a mature verdant environment. Ground levels fall steeply across an open agricultural field from the site's eastern boundary to the bridleway in the valley below. This was historically the Stalybridge and Diggle loop railway line. The bridleway is below a landscaped embankment and stone wall, but there are views of the upper parts of the listed buildings and Ballgrove Barn for a short section after the southern boundary of houses on Rush Grove.
5. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that '*...special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*' of a listed building. Thus, these statutory duties are a paramount and first consideration³. Paragraph 132 of the National Planning Policy Framework (the Framework) states that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.*' This is echoed in Policies 1 and 24 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (DPD). Together these seek to preserve or enhance the special interest and setting of a listed building in the vicinity of the proposed development. DPD Policies 9 and 20 also recognise how high quality design can contribute to creating attractive places.
6. The proposed new stable building would be close to the listed buildings and Ballgrove Barn. Insofar as the latter, in the Council's opinion, although this has been brought back into use and extended, the late C18 barn is considered to contribute to the setting of the listed buildings. Given its position, style and the materials used, it holds local heritage value and I have treated it as a non-designated heritage asset.
7. Notably the proposed stables would be subordinate to the listed buildings, Ballgrove Barn and this part of Rush Hill Road due to the building's scale and the use of the lower ground levels which would be excavated. As a result the highest part of the roof would be below the level of the road. Thus, any views of the stables from the bridleway would be very limited and would not obscure views of Nos 1 to 3 or Ballgrove Barn. Added to this, the design and westerly orientation of the stables would closely reflect these buildings. Also, with the use of matching materials to Ballgrove Barn, the stables would maintain a harmonious relationship with this property and the listed buildings beyond. So, taking these points together, despite the vicinity of the stables to the heritage assets, I do not consider that it would unbalance this group of buildings.

² Heritage Statement

³ Governance and Legal Director of English Heritage ('Legal Developments' Conservation Bulletin Issue 71: Winter 2013)

8. I therefore consider that the stables would be sympathetic to the setting of the designated heritage assets and Ballgrove Barn which would remain to be, even with the limited views of them from the bridleway, the dominant and imposing features in an agricultural landscape.
9. In summary, the stable would be relatively small in scale and would not be prominent within the context of the landscape. Given its design and the proposed use of materials, I consider that the stable would have a neutral effect on the setting of the Grade II listed buildings and Ballgrove Barn. It follows therefore that the proposal would not have a detrimental effect on the significance of the heritage assets and as such the proposal would preserve their special interest and setting. Hence, despite the public benefits advanced and commented on by the parties, it is not necessary for me to weigh these⁴.
10. For these reasons, I conclude that the proposal accords with DPD Policies 1, 9, 20 and 24 and paragraph 132 of the Framework. Together these seek to preserve the special interest and setting of heritage assets so that they are conserved through high quality design in order to create attractive places.

Other Matter

11. I gather that the appeal site lies in the Green Belt. However, as the proposal would be used for recreational purposes and due to its siting in the surrounding landscape, the Council did not raise any specific concerns in respect of the effect of the development on the Green Belt. I concur with this view.

Conclusion and Conditions

12. I have had regard to the Council's suggested conditions and the appellant's comments. A condition regarding the approved plans is necessary in the interests of certainty. In the interests of the character and appearance and to preserve the setting of the heritage assets, a condition is necessary to secure matching materials to those used at Ballgrove Barn which I understand were considered to be acceptable by the Council. I have not imposed a condition to prevent the use of the stables as a livery, as it would not be necessary or relevant to the development to be permitted due to the scale and nature of the appeal scheme in the interests of highway safety.
13. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

⁴ National Planning Policy Framework, Paragraph 134