
Appeal Decision

Site visit made on 14 August 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 4 September 2017

Appeal Ref: APP/W4223/W/17/3174907

The Barn, Bleak Hey Nook Lane, Oldham, Delph OL3 5LY

- 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 Mrs Sue Kershaw against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/339868/17, dated 6 March 2017, was refused by notice dated 20 April 2017.
 - The development proposed is the conversion of agricultural barn into a dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The site lies within the Green Belt, but the parties' consider that the proposal would fall under the provisions of paragraph 90 of the National Planning Policy Framework (the Framework) which sets out that the re-use of buildings within the Green Belt is not inappropriate development provided that the buildings are of permanent and substantial construction. The barn is of a permanent and substantial construction. I note the reason for refusing planning permission focusses on the development's location within the countryside. I see no reason to disagree with the Council in this regard. Moreover, I concur with the parties' views on the proposal's effect on openness and the purposes of including land in the Green Belt.

Main Issue

3. The main issue is whether the appeal site is a suitable location for the proposed development, having regard to its proximity to key services and public transport connections.

Reasons

4. The appeal site comprises of a stone 'L' shaped barn formerly used for agriculture. The building is currently used for storage and is part of the rural hamlet of Bleak Hey Nook located around the narrow roads of Bleak Hey Nook Lane and Standedge Foot Road. The latter of the two joins the A62 to the south-west. Bleak Hey Nook is otherwise surrounded by open countryside.
5. The proposed dwelling would be within the Bleak Hey Nook Conservation Area (BHNC) and near to a grade II listed building at Hook Farm Cottage. Both comprise of two storey buildings finished in hammer-dressed watershot stone

with stone slate roofs, mullion windows and chimney stacks. Overall, this leads to a cohesive and pleasant environment. The appellant considers the appeal building to be a non-designated heritage asset given its similarity to View Banks which is within the hamlet.

6. Policies 3 and 5 of the Development Plan Document – Joint Core Strategy and Development Management Policies (DPD) outline the Council’s approach to the consideration of the sustainability of a residential site. Policy 3, among other things, explains that minor residential development, comprising of less than 10 dwellings, should be within 480 metres or approximately ten minutes walking time of at least two key services. Key services are listed in Policy 3. Policy 5, among 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 DPD policies were adopted prior to the Framework which is a material consideration. But, having regard to paragraph 215, I consider DPD Policies 3 and 5 are in general conformity with the Framework and as such I attach them significant weight. Despite this, the barn is part of the existing hamlet and its conversion would be an effective use of land as encouraged by paragraph 17 of the Framework, provided that it is not of high environmental value.
8. Paragraph 55 of the Framework explains that housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as: where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. However, the site is not physically isolated from other buildings, given that it forms part of Bleak Hey Nook. Nevertheless, this is only one aspect of determining whether a site is isolated.
9. To the west of the site on Huddersfield Road is the Saddleworth Hotel. The hotel is a wedding and conference venue, but it also contains a public bar. As a result, having regard to DPD Policy 3, the hotel is a key service and a potential source of employment. Although there are no footways to the hotel from the appeal site, the walking time is roughly 10 minutes.
10. There is some dispute between the parties regarding DPD Policy 3, insofar as the term ‘areas of employment’. Notwithstanding the parties’ respective views, and the list of potential employment sites in the nearby area, I have no indication of the employment prospects of each business or whether they do employ local people. Thus, I am not satisfied, that prospective occupants of the dwelling would have good access to jobs. A conflict would arise with DPD Policy 3 as occupants would not have access to at least two key services in approximately 480 metres or a ten minute walk time of the site.
11. Sustainable transport solutions will vary from the urban to rural area. This is set out in paragraph 29 of the Framework. The nearest bus stop is located significantly beyond the 400 metre distance required by DPD Policy 5. While I do not have details of the frequency of the No 184 service, the bus stop is accessed along narrow undulating unlit roads. Pedestrians would therefore be very unlikely to safely access the service, especially at night or in bad weather. I do, however, gather the Saddleworth and Mossley Local Link bus service operates seven days a week from early morning to late evening. I understand this is a public service. However, users are required to pre-book their journey

in advance to secure a greater chance of being on a requested route at the requested time. Consequently, I consider occupants of the dwelling are very unlikely to use it to travel to and from the major service centres. They would also not have a real choice of how they travel.

12. While the scheme only relates to a single four bedroom dwelling, future occupants would be very reliant on the car for their day-to-day needs, even if they could work from home or use the internet to shop. So, despite the Council's approach to the consideration of the application at View Banks¹, I consider the proposal would represent a new isolated home in the countryside given that its location is unsustainable in terms of access to public transport and key services. Significant social and environmental harm would arise.
13. However, the development would comprise of the re-use of a redundant building which has been repaired. I also consider the proposal would lead to enhance the immediate setting, given that the surrounding land is unkempt. The proposal would therefore accord with the requirements of paragraph 55 of the Framework and would in this case represent a special circumstance.
14. Paragraphs 7 and 8 of the Framework also explain that there are three dimensions to sustainable development: economic, social and environmental roles that should not be undertaken in isolation, because they are mutually dependent. Limited economic benefits would stem from the dwelling's construction and the occupants continued support for local facilities and services. A dwelling would also provide a limited social benefit in terms of its contribution to the borough's housing supply. Social interaction would also stem from the dwelling's location in the hamlet.
15. The proposal would re-use a repaired barn which would safeguard its future and avoid physical deterioration. Its form, design and style leads me to consider that it would have a neutral effect on the character and appearance of the BHNCA and the significance of Hook Farm Cottage as a heritage asset, subject to a suitable planning condition to control the use of materials. By the same token, even if I were to agree that the appeal building is a non-designated heritage asset, my findings would remain the same. Accordingly, the proposal would preserve the heritage assets. I give these matters a limited positive weight, which would traverse the social and environmental roles.
16. As set out earlier, the proposal would lead to significant social and environmental harm. Although my colleague Inspector judged the benefits of the Blunder Hall Farm² to outweigh the very limited harm that they identified, this was in the context of public transport connections and a fallback position. Also, in terms of the decision at Hilltop Farm³, I gather this site is far closer to a range of key services in Delph than the single key service on offer near the appeal site. So, despite their rural locations, I give these decisions little weight.
17. I have found the scheme would accord with an element of paragraph 17 whilst the proposal would represent a special circumstance in terms of paragraph 55 of the Framework. However, this is outweighed by the significant harm that I found in relation to the scheme's impact through its accessibility to facilities, services and public transport. I therefore conclude that the appeal site is not a

¹ Council Application Ref: PA/338257/16

² Appeal Decision Ref: APP/W4223/W/16/3151303

³ Appeal Decision Ref: APP/W4223/W/16/3159303

suitable location for the proposed development, having regard to its proximity to key services and public transport connections. The proposal would not accord with DPD Policies 1, 3, 5 and 11 together with paragraphs 7, 17 and 29 of the Framework. Collectively they, among other things, seek to focus development within 480 metres or approximately ten minutes walking time of at least two key services; and promote accessible and sustainable transport choices within approximately 400 metres of a bus route.

Other Matters

18. Despite reference to the use of permitted development rights⁴, the site lies within the BHNCA. Consequently, while I understand the appellant's frustration and the guidance found in the Planning Practice Guidance⁵, this does not change the need to apply for planning permission. I also recognise the appellant has tried to find a solution so that their teenage sons can return to the hamlet in the future. Even so, I have considered this appeal in accordance with the development plan, unless material considerations indicate otherwise.

Conclusion

19. I have had regard to the appellant's comments on the planning conditions suggested by the Council. However, I do not consider that this otherwise unacceptable development could be made acceptable through their use.
20. For the reasons set out above, I conclude that the proposed development does not represent sustainable development, even though the scheme would fulfil the economic role. I therefore conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

⁴ The Town and Country Planning (General Permitted Development) Order 2015, Part 3, Class Q

⁵ Planning Practice Guidance, Ref ID: 13-108-20150305