
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/17/3174425

Highland House, Huddersfield Road, Denshaw OL3 5UE

- 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 Mike Skinkiss against the decision of Oldham Metropolitan Borough Council.
 - The application Ref PA/339661/17, dated 24 January 2017, was refused by notice dated 21 March 2017.
 - The development proposed is 1) subdivision of property to form two dwellings with associated parking 2) erection of storm porch.
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Decision

1. The appeal is allowed and planning permission is granted for 1) subdivision of property to form two dwellings with associated parking 2) erection of storm porch at Highland House, Huddersfield Road, Denshaw OL3 5UE in accordance with the terms of the application, Ref PA/339661/17, dated 24 January 2017, 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: 351-16; 351-17; 351-18; 351-20; and 351-21.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) None of the dwellings hereby permitted shall be occupied until works for the treatment and storage of sewerage and waste water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
 - 5) The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities which form the approved scheme shall at all times remain available for use.

Main Issue

2. 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

3. Highland House is a two storey dwelling that was formerly The Moorcock Inn. The inn comprised of a public house and two cottages known as Moorcock Cottages. Planning permission¹ was granted in 1999 for the inn to become a dwelling. Subsequently planning permission was granted to sub-divide the dwelling into two dwellings², with Highland House to the front and Heather Cottage to the rear.
4. Policy 3 of the Development Plan Document – Joint Core Strategy and Development Management Policies (DPD) explains, among other things, 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 currently include areas of employment, major retail centres, local shopping parades, health-related facilities and services, secondary schools, primary schools, post offices and community uses.
5. The appeal site is a short distance away from Barney's Bar (formerly Alpine Restaurant) and Clough Manor. Both are within the 480 metre threshold. Barney's bar offers a bar, restaurant, beer garden and a tea room. Clough Manor is a hotel, restaurant and bar with a function room. I gather planning permission was granted in 2014 to convert the Alpine Restaurant into four houses. However, my findings relate to the circumstances as they are now.
6. Both community uses can be accessed using a pedestrian footway and are within the ten minute walk time of the appeal site. While the Council does not consider two public houses to amount to two key services, there is a village hall, a primary school and a church in Denshaw village. These all fall within the definition of a key service. Even though they are beyond the 480 metre threshold, the Council does not dispute the appellant's evidence that they are approximately 10 minutes on foot from the site. This is along a lit pedestrian footway. Although actual travel times may vary between individuals, especially given the gradient of the road, I consider that there are at least two key services within a reasonable proximity of the site.
7. DPD 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. The nearest bus stop is roughly 0.7 miles away. While this distance is beyond 400 metres and the walking time to this bus stop would vary, there is an hourly service to Oldham and a two hourly service to Saddleworth village and Ashton-under-Lyme. There is also the Saddleworth and Mossley Local Link bus service which operates seven days a week from early morning to late evening. This would supplement the regular bus services available, even if it does need to be pre-booked in advance to secure a greater chance of being on a requested route at the requested time.
8. Paragraph 29 of the Framework explains that sustainable transport solutions will vary from the urban to rural area. I consider future occupants of the dwelling are more likely to use cars compared to an urban location, even if they could work from home or use the internet to shop. Consequently, occupants are likely to make journeys further afield to access a greater range of facilities and services. However, the evidence before me suggests that they would have a choice of how they travel, given that the nearest bus stop is

¹ Council Application Ref: PA/037668/98

² Council Application Ref: PA/038746/99

reasonably accessible. This is consistent with the aims of DPD Policy 5 and paragraph 17 of the Framework.

9. Paragraph 55 of the Framework explains that housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The Council considers that no special circumstances have been provided. Despite this, the proposal is to sub-divide an existing dwelling. In any event, the proposed development would not be a new isolated home in the countryside given nearby dwellings and the availability of key services and public transport together with the site's proximity to a handful of other houses.
10. Paragraphs 7 and 8 of the Framework set out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. I consider that there would be some limited positive economic and social benefits from the scheme, in terms of proposed works and from the occupants' contribution to local facilities and services. The dwelling would also make a modest contribution to housing provision in the borough.
11. Thus, I conclude that the proposal would accord with DPD Policies 3 and 5 along with paragraphs 7, 17 and 29 of the Framework. These policies, among other things, seek to focus development near to key services and promote accessible and sustainable transport choices.

Other Matters

12. The appeal site is located within the Green Belt. The Council has found that the proposal does not constitute inappropriate development with regards to paragraphs 89 and 90 of the Framework. 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 the openness of the Green Belt is preserved. Paragraph 89 of the Framework explains that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
13. In this respect, I agree that Highfield House is of permanent and substantial construction and that the proposed porch would not be a disproportionate addition to the building. As a result, I consider that the appeal scheme would not constitute inappropriate development within the Green Belt.

Conclusion and Conditions

14. I have had regard to the planning conditions suggested by the Council. I have imposed a condition regarding the plans in the interests of certainty, while a condition to secure matching materials, in the interests of character and appearance is necessary. Given the sub-division, I have imposed conditions to secure details of how each dwelling would address foul water and refuse materials in the interests of the environment.
15. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR