



Appeal Decision

Site visit made on 19 December 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 15 January 2018

Appeal Ref: APP/W4223/W/17/3181913

Clerk's Cottage, Running Hill Gate, Uppermill, Oldham, OL3 6LW

- 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 John Bullen against the decision of Oldham Metropolitan Borough Council.
 - The application Ref: PA/339377/16 dated 8 November 2016, was refused by notice dated 10 February 2017.
 - The development proposed is 'retention of static caravan for use with existing business'
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Decision

1. The appeal is allowed and planning permission is granted for retention of static caravan for use with existing business at Clerk's Cottage, Running Hill Gate, Uppermill, Oldham, OL3 6LW in accordance with the terms of the application, Ref: PA/339377/16, dated 8 November 2016, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matter

2. The proposal is retrospective, as the development has already taken place in accordance with the submitted details.

Main Issues

3. I consider the main issues in this case are:
 - i) Whether the proposal would amount to inappropriate development in the Green Belt;
 - ii) The effect of the proposal on the character and appearance of the St Chad's Conservation Area and the setting of the Grade II* listed St Chad's Parish Church;
 - iii) Whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposed development.

Reasons

4. The appeal is for the retention of a static caravan measuring 9.4m long, 3.3m wide, and 2.9m high. The site is part of a working farm with the Grade II listed Clerk's Cottage and associated outbuildings, many of which are used in connection with the appellant's equestrian business. The site is within the

Green Belt and St Chad's Conservation Area. To the west, at a significantly lower level, is the Grade II* listed St Chad's Parish Church.

Whether the proposal is inappropriate development in the Green Belt

5. National policy on Green Belt development is set out in the *National Planning Policy Framework* (the Framework). Paragraphs 87, 89 and 90 should all be read together and consequently, development in the Green Belt is inappropriate (and only permissible under very special circumstances) unless it falls within the closed lists of exceptions set out in paragraphs 89 and 90. Paragraph 89 says the construction of new buildings should be regarded as inappropriate development, subject to certain exceptions including '*appropriate facilities for outdoor sport and recreation*'. Policy 21 of the *Oldham Joint Core Strategy and Development Management Policies* (JCS) pre-dates the Framework. However, it says development in the Green Belt will only be permitted provided there is no conflict with National Policy. As such, there is no conflict with the Framework.
6. The Council says the caravan should be considered as a building due to its permanence, having purpose-built foundations. However, this is not the case as the caravan is stationed on a concrete yard and is raised on blocks with jacks to keep it horizontal. Irrespective of its permanence or otherwise I am satisfied it can be said to be an appropriate facility for outdoor sport and recreation, in that it would be used in connection with the existing equestrian business including occasional overnight stays by riders tending to their horses. Paragraph 89 of the Framework says such buildings may not be inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. The siting of the caravan in a hitherto undeveloped area reduces the openness of the Green Belt, and there is little moment in the context of openness that the proposal concerns a static caravan rather than a permanent building. Openness means freedom from development, and is only partly concerned with visibility. So although the caravan is fairly modest in size, the cumulative effect of allowing such structures would conflict with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. I attach significant weight to the harm arising from this loss of openness.
8. Consequently, the proposal fails to satisfy the relevant qualifying criterion of Framework paragraph 89 and amounts to inappropriate development in the Green Belt. The Framework says inappropriate development is, *by definition*, harmful to the Green Belt. I therefore need to consider whether any other harm would be caused by the proposal, and then balance the other considerations against the totality of that harm.

Heritage assets

9. At the Statutory level, Sections 16 (2) & 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* Act require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. As the site also lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act. JCS Policy 24 reflects these statutory requirements.

10. As heritage assets are irreplaceable, any harm should require clear and convincing justification. Framework Paragraph 132 sets out that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. The Government's *Practice Guidance* (PPG) says a thorough assessment of the impact on setting needs to take account of, and be proportionate to, the significance of the heritage asset, and the degree to which the proposed changes enhance or detract from that significance or the ability to appreciate it. Although views play an important part, the way in which an asset in its setting is experienced in its setting is also influenced by spatial association and by an understanding of the historic relationship between places.
11. Clerk's Cottage is located to the east of the appeal site and is concealed from view behind taller agricultural buildings. The Council appears to be satisfied that the proposal to retain the caravan would have no impact on the setting of this listed building and I find no reason to disagree.
12. The Council considers the proposal would have a direct impact on the setting of Grade II* listed St Chad's Parish Church, particularly when viewed from the graveyard. The Church is visible from a wide area and the rural surroundings and hilly backdrop which comprise its wider setting contribute to its significance. However, the church and graveyard are set at a much lower level and intervisibility between the church and caravan is constrained by the steep bank and the built-up platform of the manege to the west of the caravan. Although glimpsed views are possible, particularly in the winter months when the trees are not in leaf, the caravan does not 'stand out', being seen against the backdrop of agricultural buildings. In any event, the mere fact that the caravan can be seen does not necessarily mean that it would be harmful.
13. In this context, I am satisfied that the proposal would preserve the setting of the Parish Church, and would not lessen the ability to identify its historic use. Taking all these matters together, I conclude that the proposed works would preserve the special architectural and historic interest of St Chad's Parish Church. For the same reasons, I consider the character and appearance of St Chad's Conservation Area would be preserved, causing no harm to the significance of any of these heritage assets. As such, I find no conflict with JCS Policy 24, or National policy in the Framework.

Other matters

14. The Council also says the caravan forms an intrusive feature in the wider landscape, out of character with its surroundings, with the public footpath to the south-west of the site allowing elevated views of the structure. However, in the context of the background of a working farm and its associated buildings I do not find the caravan to be particularly intrusive. Whilst its pale colour is not sympathetic, the appellant proposes to repaint it in a darker recessive colour more in keeping with the rural surroundings. Similarly, the appellant's willingness to undertake additional tree planting would provide further screening when the planting matures, and could be secured by condition.

Other Considerations and whether very special circumstances exist

15. Substantial weight must be given to the harm to Green Belt harm by reason of inappropriateness, and additional weight is added by the harm arising from the

loss of openness, albeit modest. However, there are a number of other considerations to be weighed in the balance.

16. The Framework supports a prosperous rural economy including the sustainable growth and expansion of all types of business and enterprise in rural areas. The proposal is part of a wider scheme for farm diversification and the existing equestrian business is clearly well established. This support does not outweigh Green Belt policy, but is an important material consideration that weighs in favour of the proposal.
17. The support given to a prosperous rural economy, the demand for the facility, and the fact that almost every other location for such an enterprise in this area would need a Green Belt location, and thus be similarly constrained, are all considerations weighing in favour of the proposal. So too is the fact that this is a modest proposal to an existing business which generates employment and income for the appellant, and helps keep the land maintained.
18. Taken together, these other considerations amount to very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the modest impact arising from the loss of openness. I have found that the proposal would have a neutral effect on the character and appearance of the Conservation Area, and that the setting of nearby listed buildings would not be harmed. My decision to allow the appeal is a carefully balanced one, and is based on reasons applicable to this case alone. Therefore it will not undermine the Council's ability to resist other proposals for this type of structure in the Green Belt.

Conditions

19. I have considered the conditions put forward by the Council in the light of the advice in *the Framework* and PPG. Conditions are needed (as also suggested by the appellant) to secure landscape planting in the interests of the appearance of the area. Details for the treatment of waste water/sewage are needed in order to protect public health and the environment, although given the scale and nature of the development, a condition requiring details of facilities for the storage and removal of refuse and waste is not justified. I have altered the wording of some of the conditions to reflect the fact that the caravan is already in place and in use for the purpose applied for.
20. The Council has suggested a condition restricting the use of the caravan to Class B1 office use. However, although the principal use would appear to be as an office for the equestrian business, such a condition would be overly restrictive as it would preclude the occasional overnight accommodation and washing/showering facilities for which permission is also sought (as set out in the Planning Statement accompanying the application). I therefore favour a condition which restricts the use of the caravan to equestrian purposes only, and for no other purpose (including residential use).

Conclusion

21. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 1590/1 and Drawing No 1590/2.
- 2) Within 3 months of the date of this decision a scheme showing full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved during the next planting season in accordance with a timetable for its implementation. The hard landscape details shall include proposed finished levels, means of enclosure and hard surfacing materials where relevant. The soft landscaping works shall include planting plans and specifications and schedules of plants and trees, noting species, plant/tree sizes and numbers, and the implementation programme. Any trees or plants which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 3) Within 6 months of the date of this decision the caravan shall be painted in a dark neutral colour to be agreed beforehand in writing by the Local Planning Authority.
- 4) No continued use of the development shall take place unless and until a detailed scheme for the treatment of sewerage and waste water has been submitted to and approved in writing by the Local Planning Authority, and the agreed scheme has been fully implemented in accordance with a timetable approved in writing by the Local Planning Authority.
- 5) The static caravan hereby approved shall be used for equestrian purposes only (as described in the Planning Statement accompanying the application) and for no other purpose (including any other purpose in Class C of the Schedule to the *Town and Country Planning (Use Classes) Order 1987* (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).