The Planning Inspectorate

Appeal Decision

Site visit made on 28 January 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/W4223/W/19/3237784
Hey House Farm, Ripponden Road, Denshaw OL3 5UN

- 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 Keith Henthorne against the decision of Oldham Metropolitan Borough Council.
- The application Ref PA/342883/19, dated 8 February 2019, was refused by notice dated 18 April 2019.
- The development proposed is the demolition of farm buildings and erection of two detached dwellings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice, which should clearly and precisely state the full reasons for refusal of the application, only alleges harm to the Green Belt by reason of inappropriateness, even though the Officer's report also refers to harm by reason of loss of openness, amongst other things. This factor notwithstanding, the appeal must be considered anew and regard will be given to all relevant matters relating to the Green Belt.

Main Issues

3. The site is within the Green Belt and it is agreed by the main parties that, with regard to paragraphs 145 and 146 of the National Planning Policy Framework (the Framework), the proposed development is inappropriate development. Accordingly, the main issues are:

   - The effect of the dwellings on the openness and permanence of the Green Belt; and,
   - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Openness and permanence

4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As a measure of spatial openness, there is disagreement between the parties in respect of the comparable volume of

proposed development against that of the existing development on the site; however, neither party has provided a detailed assessment in this regard.

5. The existing development consists of a number of consecutive additions to a traditional brick and stone barn which lies immediately west of, and adjacent to, the Ripponden Road footway. The resultant singular block of development has an L-form plan with later additions being of subordinate height to the original barn.

6. The floors of the buildings lie on a terrace formed within the slope of the hillside to accommodate their footprints and associated operational areas. This lies below the level of the road and causes that part of the development towards the northern end of the site to be set into the slope to a greater extent. In consequence, the northern parts of the building are less prominent against the incline of the highway and are, in part, screened by a roadside wall.

7. The main two-storey sections of the proposed development would have an overall height similar to that of the original barn. However, this height would be dispersed along a greater length and width of the site on account of the expanded footprint and the 'L'-plan form of the main element of the northernmost unit. This would result in a significantly greater building length at, or above, the maximum height level of the existing development. Consequently, it would give rise to a perception of larger buildings than those which presently exist.

8. The effect would be exacerbated through the proposed encroachment into the western part of the site which is currently free from built development. Although this would be offset, in part, by the removal of the existing buildings from the roadside, the main elements of the proposed buildings would be more prominent than the existing development in views from the lower valley roads to the west as the building would project higher above the western boundary wall. The proposed buildings, given their set back position, would reveal their full height and be visible from the adjacent roadway through the new entrance, rather than partly hidden below the existing retaining wall. Taken with the associated single storey elements, the proposal's more expansive form would contrast significantly with the existing compact nature of built development and cause harm through a loss of visual openness.

9. In addition, the effect of the outward extension of built development on the site and formation of domestic garden and vehicle areas would give rise to a form of urbanising encroachment. This would extend the loose cluster of development either side of this part of Ripponden Road. Together with the domestication of agricultural land and introduction of domestic paraphernalia or small-scale domestic structures about the buildings, this would give rise to a moderate loss of spatial and visual openness in this part of the Green Belt and conflict with the purpose of the Green Belt to safeguard the countryside from encroachment.

Other considerations

10. The site benefits from an extant planning permission under the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of the existing buildings into three dwellings and use of the surrounding land as domestic gardens. This fallback position establishes the principle of residential use of the land and

buildings. As such, it would nullify the harm I have identified in terms of the domestication of the site through the introduction of residential use and the visual harm to openness that would arise from the introduction of associated domestic paraphernalia. However, this would not invalidate my concerns in relation to the encroachment of built form onto previously undeveloped land or the other identified effects in relation to openness.

11. In support of the proposals, the appellant has highlighted that the siting and appearance of the development would provide an improvement against the dilapidated appearance and condition of the existing buildings. The buildings currently appear as a group of mixed traditional and utilitarian agricultural buildings and therefore reflect their rural setting. The new dwellings, showing a consolidated design and finished in high quality external materials to compliment other development in the vicinity, would provide an enhancement to the site's appearance against the current condition of the existing buildings. This would constitute a moderate benefit of the development.

12. Additionally, the appellant states that new-build dwellings based on sustainable construction principles would offer opportunities to provide greater efficiency in their build and during use than the conversion of the existing buildings. However, there is little evidence in this respect. Consequently, I am not persuaded that similar standards of building efficiency could not be achieved in other types of development, including the approved Class Q scheme.

13. The proposals would provide two additional houses in the locality. Although this would be one less than the Class Q development it would, nevertheless, contribute to the housing supply in the Borough and as such be a limited benefit of the proposal.

14. It is anticipated by the appellant that the houses would be occupied by family members moving back to the area who would contribute to the local community and be present to facilitate the existing farm business and potentially care for elderly relatives. Although such benefits may accrue, there is little evidence to demonstrate that this would be the case or would be dependent on the appeal development. For that reason, I attach limited weight to this aspect of the proposal.

15. The appellant states that the reduced number of dwellings in comparison to the Class Q scheme may lead to a reduction in the amount of traffic generated by development on the site. However, in the absence of details of the Class Q scheme or number of potential occupiers and car owners of either development, this is a neutral factor in this case.

16. I have also noted the letters of support from local residents and the potential benefits to local security arising from the occupation of the development. Any effects on property values, however, hold no weight in planning decisions.

Conclusions

17. The proposed development is inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt. In addition to the harm arising from inappropriateness, the dwellings would cause harm through a moderate reduction in the openness of the Green Belt, which is one of its essential characteristics, and conflict with the purpose of safeguarding the countryside from encroachment. The

Framework requires that substantial weight is given to any harm to the Green Belt.

18. The redevelopment of the site would deliver two additional houses to the local community and improve the appearance of the site through the removal of unattractive elements of the existing buildings. It would facilitate family relocation with potential benefits to the general community, the existing farm business, local security and care for relatives. Furthermore, the development would not give rise to a greater level of domestication of the site than the previously approved scheme which covers the same site area.

19. Nevertheless, these and the other considerations presented by the appellant do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist and the development is contrary to Policies 1 and 22 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (2011) and the Framework as they relate to Green Belt areas.

20. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR