
Appeal Decision

Site visit made on 20 May 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2020

Appeal Ref: APP/W4223/D/20/3245365

Lee Cross Cottage, Lee Side, Diggle, Oldham OL3 5JX

- 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 David Vick against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HH/343947/19, dated 18 September 2019, was refused by notice dated 29 November 2019.
 - The development proposed is a garage extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council do not raise any concerns with regards to the effect of the proposed development on the character and appearance of the appeal site or surrounding area. Following the findings from my site visit, I agree with the Council's observations on this matter.
3. Therefore, the main issues of this appeal are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt; and,
 - if the proposal is inappropriate development in the Green Belt, whether the harm 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 development.

Reasons

Inappropriate development in the Green Belt

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145 of the Framework. One of the exceptions cited is

- the extension of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'.
5. The national policy advice in the Framework has to be read together with the relevant development plan, Policies 1, 9 and 22 of the Council's Local Development Framework, Development Plan Document - Joint Core Strategy and Development Management Policies 2011 (CS), which conform to the thrust of national Green Belt policy in these respects.
 6. There is no definition within the Framework of 'disproportionate'. The Council's evidence on this matter in the Officer Report advises that the extension to the original building would amount to an increase in size of approximately 59%. The appellant does not dispute this figure. On the evidence before me I concur with the Council and conclude that the proposed garage extension would amount to a disproportionate addition to the original building due to its overall size and scale when compared to the existing building. Consequently, the appeal scheme does not constitute an exception listed under paragraph 145 of the Framework.
 7. For these reasons, the appeal scheme would be inappropriate development in the Green Belt and in this regard, it would conflict with CS Policies 1, 9, 22 and the requirements of the Framework. I attach substantial weight to the harm arising due to the inappropriate nature of the development.

Green Belt openness

8. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. The Planning Practice Guidance (PPG) identifies factors which can be taken into consideration when assessing the impact of a proposal on Green Belt openness. It states that openness is capable of both spatial and visual aspects.
9. The site is partially screened from mature vegetation when approaching from the north. However, the host building is clearly visible from the road when approaching the site from the south and the entrance to the public footpath (PROW). The proposed development would be read against the adjacent residential development, particularly Lees Cross Cottage itself.
10. However, given the rural location and prominence of the host building on Lee Side, as well as its proximity to the PROW it will also be read in conjunction with the open field adjacent to the PROW. In this instance, I find that the proposed development on the site would be visually intrusive. Thus, I find that the overall impact from the proposed development on openness, both visually and spatially, would be apparent and substantial.
11. For all of the above reasons, I conclude that the proposed development would result in a loss of openness to the Green Belt. As such, it would be contrary to the requirements of the Framework.

Other Considerations

12. I have concluded that the proposal represents inappropriate development in the Green Belt and harms the openness of the Green Belt. Substantial weight should be given to this harm. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

13. Whilst no formal case has been put forward by the appellant to demonstrate very special circumstances, I acknowledge there would be some limited economic and social benefits resulting from the development. I have also had regard to various other matters raised by the appellant, including, the parking of his van in the location of the proposed development and the additional security and shelter that would arise from the scheme. I also note that no objections were raised by Saddleworth Parish Council or any neighbouring occupiers. However, I have found harm to the Green Belt by way of inappropriateness and the harm to openness to which I must attach significant weight.
14. Consequently, these considerations, along with the other matters identified in the evidence either individually or collectively, do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

Green Belt balance

15. In summary, therefore, the appeal proposal would be inappropriate development in the terms set out in the Framework and lead to a loss of openness to the Green Belt. These issues are not outweighed by the considerations advanced by the appellant and in the wider evidence so as to amount to very special circumstances.
16. Consequently, very special circumstances do not exist, and the proposed development would conflict with CS Policies 1, 9, 22, and the Framework. I have considered this appeal on its own merits and concluded that it would be unacceptable for the reasons set out above.

Conclusion

17. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR