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## Appeal Decision

Site visit made on 12 January 2021

**by Diane Cragg DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 February 2021**

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**Appeal Ref: APP/W4223/W/20/3260050**

**Land to the north side of access road leading to Laureates Place, off Woodbrook Road, Springhead.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Paragon Housing Developments Ltd against the decision of Oldham Council.
  - The application Ref PA/344826/20, dated 1 May 2020, was refused by notice dated 14 August 2020.
  - The development proposed is residential development of 3 No. detached dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application has been submitted in outline with access, appearance, layout and scale to be considered and landscaping reserved for future consideration. I have determined the appeal accordingly.

### Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
  - the effect of the development on the amenity value of protected trees; and
  - if the proposal is inappropriate development, whether 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*

4. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt (paragraph 145). Inappropriate development

according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions is limited infilling in villages (Paragraph 145e).

5. Policy 1 of the Oldham Council Joint Core Strategy and Development Management Policies (DMP) states that the Green Belt will be maintained. Policy 22 of the DMP is broadly consistent with the Framework where it supports development in the Green Belt that is in accordance with national policy.
6. There is no definition of 'village' or 'limited infilling' within the Framework and my attention has not been drawn to any definition within the development plan.
7. The appeal site is located on the eastern edge of Springhead with access via an unmade single-track lane from Woodbrook Road. There is a public house and Knowsley Junior school within a comfortable walking distance. Although on the extremity of the main area of development, I am satisfied that the appeal site is within the village.
8. The appeal site has a wide frontage to the lane. It is relatively flat east to west with the land rising abruptly towards the back. A public footpath follows the appeal site's western boundary providing access to the open countryside to the rear.
9. The entrance to the lane is characterised by a wide range of dwelling types. The properties to the south side largely face Woodbrook Road with their rear elevations facing the lane. Some of the properties have extended gardens, garages, or outbuildings to the lane's north side. These spaces are separated from the appeal site by the public footpath. Land beyond the appeal site to the east is being used for open storage.
10. The generally accepted definition of infilling is the infilling of a small gap in an otherwise built up frontage. I have had regard to the storage to the east which the appellant indicates is long-term, but I do not consider that such use constitutes a built-up frontage. Nor do I consider that the recent development on the lane's south side influences whether the appeal site is infilling. The land either side of the appeal site is not built up and the length of the frontage to the lane is not a small gap. Therefore, the proposal would not be limited infilling.
11. Consequently, I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with Policies 1 and 22 of the DMP and Paragraph 145e of the Framework.
12. In coming to this conclusion, I note the appeal decision<sup>1</sup> and planning<sup>2</sup> application referred to by the appellant. I have taken account of these and whilst the site circumstances are not the same, my approach to development at the appeal site is not inconsistent with these decisions.

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<sup>1</sup> APP/W4223/W/19/3227776

<sup>2</sup> PA/336468/15

*Effect on openness and Green Belt purposes*

13. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
14. The proposal would result in the development of three dwellings and associated hardstanding and parking on land which is presently open and largely free of any built form. This would lead to an inevitable and demonstrable loss of openness, in both visual and spatial terms.
15. With respect to the purposes of the Green Belt, given my findings above that the proposal would not amount to infilling within a village, the proposal would lead to encroachment of development into the countryside and would impact on the related Green Belt purpose.

*Trees*

16. The appeal site is covered by a woodland Tree Preservation Order (TPO). The application is supported by an Arboricultural Report<sup>3</sup> which indicates that a number of trees would be removed to facilitate the development.
17. I saw during my site visit that even when not in leaf the trees are visible from the lane and from the public footpath. From these vantage points the trees contribute positively to the character and appearance of the area. The loss of tree cover would detract from the group of trees as a whole. I consider even limited tree works would be detrimental to the amenity value of the group and would not be reflective of the protection afforded by the TPO.
18. Further, with the proposed layout of the dwellings, and the amount of land taken up by them, I am not satisfied that a suitably worded condition could secure adequate replacement tree cover. The appellant suggests that a commuted sum to secure compensatory replacement planting in an alternative location could be sought. However, I have not been provided with a scheme for compensatory planting or a mechanism to secure it. Nor am I satisfied that providing planting elsewhere would overcome the harm caused by the loss of tree cover at the appeal site.
19. In addition, although I note the conclusions of the Arboricultural report, the trees are mostly on the higher part of the land and their canopy spread would dominate and overhang the development area. I am not satisfied that the rear gardens and rear elevations of the proposed dwellings would be sufficiently separated from the trees so as not to be overshadowed and dominated by them. Therefore, it is likely that there would be future pressures from the occupiers of dwellings for the trees to be lopped, topped or felled. This would further reduce their amenity value.
20. Overall, I conclude that the proposals would harm the amenity value of protected trees in conflict with Policies 9 and 20 of the DMP which seek to protect local character and distinctiveness. It would also conflict with saved Policy D1.5 of the Unitary Development Plan (2006) which only supports development on sites containing trees where it is designed to maximise tree retention and positioned to avoid unacceptable overshadowing.

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<sup>3</sup> Arboricultural Impact Assessment – JCA Limited 2020

### **Other Considerations**

21. The Council has confirmed that it cannot demonstrate a five-year supply of deliverable housing land. However, I have not been provided with any evidence about the extent of the shortfall in supply. Nevertheless, the provision of three dwellings would contribute to the overall housing land supply and I attach moderate positive weight to this provision.
22. Three extra households would support local services and facilities providing a small benefit to the local economy and community. Given the number of dwellings proposed these are benefits to which I attach limited weight.
23. I accept that the Council are satisfied with the design of the development, its effects on the living conditions of existing residents and the access arrangements. However, the satisfactory resolution of these matters is a requirement of the development plan and does not weigh in favour of the scheme.

### **Green Belt Balance and Conclusion**

24. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would also result in a harmful loss of openness of the Green Belt. Furthermore, there would be harm associated with the adverse effects of the proposal on trees covered by a TPO. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
25. I attach moderate positive weight to the contribution the appeal site would make to boosting the supply of housing and providing housing where a 5-year housing land supply cannot be demonstrated. I also attach limited positive weight to the economic and social benefits of the scheme. However, these other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
26. Overall, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the proposed development in accordance with paragraph 11d)(i) and footnote 6 of the Framework. Therefore, for the reasons given above, the appeal is dismissed.

*Diane Cragg*

INSPECTOR