



Appeal Decision

Site visit made on 19 July 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2021

Appeal Ref: APP/P4225/W/21/3272939

Old Barn House, 5 Whittle Lane, Heywood OL10 2RB

- 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 Douglas Cronshaw against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 20/01459/FUL, dated 27 November 2020, was refused by notice dated 24 March 2021.
 - The development proposed is new storage building for machinery used in the maintenance of 7 acres of grounds consisting mainly of meadow type grassland and grassy verges and trees to the site boundaries including mini-tractor, sit-on mowers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined, a revised version of the National Planning Policy Framework (the 'Framework') has been published. The main parties were given the opportunity to comment on any relevant implications for the appeal and have not therefore been prejudiced. The main parties did not have any comments on this matter.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the 'erection of storage building including the formation of new access, hardstanding and entrance gates'. The Council dealt with the proposal on this basis and so shall I.
4. I noted on my site visit that some work had commenced. For the avoidance of doubt, I have assessed the appeal proposal and based my decision on the plans before me.

Main Issues

5. The main issues are as follows:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Under section a) of that paragraph a new building for agriculture would not be inappropriate.
7. Both main parties agree that the appeal site forms part of an agricultural holding, and I have no reason to disagree. The main issue is whether the proposed building is for agricultural purposes.
8. The appellant sets out that the new building is required to facilitate the safe and secure storage of machinery intended for the effective maintenance of 7 acres of land and road-side verges. They highlight that they have various pieces of machinery including tractors and sit-on mowers and that they are responsible for the maintenance of 2 hectares of land. The appellant states that Nos 1, 3 and 5 Whittle Lane were historically a farm estate and therefore there is good precedent for considering the proposal as a typical agricultural building on Green Belt land.
9. The Framework does not define agriculture, but Section 336 of the Town and Country Planning Act 1990 provides a definition. Having regard to this definition and based on the evidence submitted, the proposed development would not relate to a building which would be used for agricultural purposes. The activity of mowing and maintaining grassland for the purposes of amenity would not constitute an agricultural activity.
10. Accordingly, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt, having regard to Policy G4 of the Rochdale Adopted Core Strategy (2016) (CS) and the Framework. Policy G4 seeks to restrict development to those limited types of development which are deemed not inappropriate by national planning policies unless very special circumstances can be demonstrated.

Openness

11. 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.
12. The proposal would have a visual and spatial impact upon the Green Belt because it would result in the erection of a building where there are currently none. The boundary trees would partially screen the development, but it would still be visible from the surrounding area, particularly in winter months when the trees are not in leaf.
13. Consequently, the scheme would increase the level of built development and would result in the erosion of space where there are currently no buildings. The development would therefore have an adverse impact on both the spatial and visual openness of the Green Belt. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

Other considerations

14. The appellant asserts that without the building, the grounds maintenance equipment would have to be stored externally in full public view. This would result in the deterioration of the equipment, due to weathering, as well as the threat of theft and vandalism. They highlight that equipment has recently been stolen and the Council has failed to take sufficient account of the absolute necessity for the proposed building. In addition, maintaining the land improves the amenity value of the local area. It appears from the evidence presented that the appellant currently maintains the land and therefore the development would not improve the amenity value of the local area. Accordingly, I attach limited weight to these considerations.
15. In addition, the appellant states that the Council should have advised them to submit an application for an outbuilding to No 5 and have drawn my attention to pre-application advice. I have set out above why the building is not considered an agricultural building. Whether or not the Council should have advised the appellant to submit an alternative application is not a consideration which weighs in favour of the appeal. The pre-application advice relates to a new bungalow so cannot be directly compared to the building proposed. These considerations are not matters which amount to a positive factor in favour of the development.
16. The appellant highlights that the proposed building has been carefully sited and sympathetically designed and it would include good quality materials to blend with the natural surroundings. However, such considerations would be expected of any new development and are not matters which amount to a positive factor in favour of the development.
17. The appeal site, which includes the host dwelling, is located within the Birch Village Conservation Area (CA). The Council found that the proposal would result in a neutral effect to the character of the CA. I am also satisfied that the scheme would have a neutral effect upon, and therefore preserve, the character and appearance of the CA and the development would not cause harm to the significance of the designated heritage asset. This is because the appeal site makes little contribution to the CA and the design of the building is unobtrusive. The appellant asserts that the site is adjacent to the CA rather than within it. Even if the site is not located within the CA, my finding in this respect is a neutral factor which does not serve to weigh either for or against the proposal.

Whether very special circumstances exist

18. The appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. The Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
19. The advanced considerations relating to the needs to store the equipment due to deterioration and security are given limited weight. The other considerations highlighted by the appellant are given neutral weight in that they neither weigh in favour or against.

20. When drawing this together, the other considerations advanced in support of the appeal whether taken individually or cumulatively, do not, clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist. Consequently, the proposed development would conflict with Policy G4 of the CS and the Framework.

Conclusion

21. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

L M Wilson

INSPECTOR