



Appeal Decision

Site visit made on 14 December 2021

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/W4223/D/21/3272471

The Coach House, 1A Diglea, Saddleworth, Oldham OL3 5LA

- 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 Colin Bradley against the decision of Oldham Council.
 - The application Ref HOU/345600/20, dated 6 October 2020, was refused by notice dated 19 March 2021.
 - The development proposed is a car port.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit, the development proposed had not taken place and, therefore, the existing plan is inaccurate insofar as it includes a car port within the site. Accordingly, I determine the appeal having regard to the existing circumstances that I observed.

Main Issues

3. The main issues of the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), including the effect on openness and the purposes of including land within it, and;
 - Whether the proposal would preserve or enhance the character, appearance and significance of the Diglea Conservation Area.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The appeal site lies within the Green Belt. Policy 22 of the Oldham Joint Core Strategy and Development Management Policies - Development Plan Document (JCS&DMP), adopted November 2011, indicates that development in the Green Belt will be permitted provided it does not conflict with national policies on Green Belt. Whilst the policy refers to Planning Policy Guidance Note 2, which applied at the time, that document has now been superseded by the current national policies relating to Green Belt set out in the Framework. In that regard, the Government attaches great importance to Green Belts.

5. The proposal relates to a carport that would be erected over an existing area of hardstanding associated with The Coach House (No 1A Diglea), a two-storey semi-detached cottage. The stone hardstanding is currently used as a parking space and for bin storage. It lies opposite to the front elevation of The Coach House and is separated by a shared access track with the neighbouring No 1 Diglea and other residential properties to the north. As the carport would be physically separated from The Coach House by a shared access track, it cannot be reasonably considered to be an extension to it. Consequently, if the carport is to be treated as a new building for the purposes of paragraph 149 of the Framework, it would not meet the exception under part c) insofar as relevant to the extension or alteration of a building.
6. Based on the evidence before me, the hardstanding area was previously occupied by a small building. However, during my visit, it was evident that demolition occurred some time ago and there are now only limited remnants of such a building having existed within the site. In such circumstances, the proposal would not fall within the exception at part d) of paragraph 149 of the Framework insofar as relevant to replacement of a building. Nonetheless, it is reasonable that the appeal site does consist of previously developed land.
7. It follows from the above that, although Diglea is a small hamlet rather than a village where limited infilling would be permitted by the exception at part e), the proposal can alternatively be assessed against part g) of paragraph 149 of the Framework. The exception under part g) is relevant to the proposal insofar as it allows limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which amongst other things; would not have a greater impact on the openness of the Green Belt than the existing development.
8. With regard to the above, the carport would be an open-sided structure with a monopitch roof comprising steel sheeting, purlins and supported by steel posts. It would project slightly above an existing stone retaining wall which separates The Diggle Hotel. However, in doing so, it would adjoin a taller detached outbuilding to the north. There are also other outbuildings and structures associated with The Diggle Hotel located close to the shared boundary on rising land levels to the west. Consequently, the carport would sit within a cluster of existing buildings and structures in the built-up area of Diglea. In such circumstances, the partial redevelopment of hardstanding currently used to park a vehicle with a simple open sided structure viewed against a backdrop of taller existing development would not have a material nor greater impact on the openness of the Green Belt. The proposal, therefore, meets the exception at part g) of paragraph 149 of the Framework.
9. I, therefore, conclude that the proposal is not inappropriate development in the Green Belt when having regard to Policy 22 of the JCS&DMP and the Framework. As I have found that the proposal is not inappropriate development in Green Belt and there is no harm to the purposes of including land in Green Belt, it is not necessary to consider whether there are other considerations in favour of the appeal which would amount to very special circumstances. I, therefore, necessarily go on to consider whether the proposal would preserve or enhance the character, appearance and significance of the Diglea Conservation Area within the remaining main issue below.

Character, appearance and significance of Diglea Conservation Area

10. Diglea Conservation Area covers the historic core of the small hamlet of Diglea located in a wider rural setting. The character and significance of the Conservation Area, beyond The Diggie Hotel that is a prominent feature of the western entrance, is derived from the tight clusters of traditional rural buildings alongside the main highway through-route in a verdant setting. There are also complementary open views of the wider countryside landscape, particularly to the south, when passing through the Conservation Area.
11. The Coach House forms part of a cluster of individual properties which display a broad consistency in terms of a traditional stone cottage appearance with mullion windows and complementary proportions and roofs, as such it makes a positive contribution to the character and significance of the Conservation Area. The stone hardstanding area on the opposite side of the shared access track is currently in use as a parking space and for bin storage. However, it is a relatively discreet presence against a stone outbuilding and retaining wall that has little effect on the setting of the nearby Grade II listed building on the opposite side of the main highway through-route (No 2 - Ivy Cottage) or other listed properties further to the east. The existing hardstanding area, therefore, has a largely neutral influence on the significance of the Conservation Area.
12. The proposed carport, although an open sided structure of modest overall proportions, would introduce a design and materials with an uncommonly lightweight appearance on the stone hardstanding area. As such, the design of the structure and its materials would be viewed as a harmfully discordant and incongruous feature given the awkward contrast with the predominant character of more robust traditional stone buildings and walls in the immediate surroundings. In reaching that view I did observe examples of some outbuildings, structures and features with a more contemporary appearance within the curtilage of The Diggie Hotel and as part of rural conversions such as Heaven Barn further to the north. However, those examples are very much in the minority and only serve to emphasise the potential impact of incompatible structures and materials on the Conservation Area. As such, the presence of those examples does not justify the harm to the character, appearance and significance of the Conservation Area that would arise from the proposal.
13. The harm arising from the proposed carport would be significant in terms of the immediate surroundings of the appeal site. However, the harm would be less than substantial to the significance of Diglea Conservation Area as a whole, as the harmful impact relates to only limited public views when passing along the shared access track or its junction with the main highway through-route. In such circumstances, paragraph 202 of the Framework requires that the less than substantial harm arising from the development proposal is weighed against the public benefits.
14. The benefits suggested by the appellant are that the carport would protect a parked vehicle from adverse weather conditions. However, that is a private benefit rather than a public one. In terms of those which are public, there is potential for short term economic benefits arising from the purchase of the carport and during construction. Nevertheless, any public benefits in that respect would be limited based on the scale of the proposal. It follows that the public benefits do not outweigh the great weight given to the conservation of

Diglea Conservation Area and the less than substantial harm to its significance which I have identified.

15. I conclude that the development would have a harmful effect upon and, therefore, fail to preserve or enhance the character, appearance and significance of the Diglea Conservation Area. The proposal would, therefore, conflict with Policies 20 and 24 of the JCS&DMP. When taken together, the policies seek high quality design and to ensure that development protects, conserves or enhances heritage assets which add to the borough's sense of place and identity. The policies are consistent with the Framework.

Other Matters

16. The Council have indicated that the proposal would not have an unacceptable impact on the living conditions of occupiers of neighbouring properties in terms of privacy, light or outlook. Based upon the evidence before me and my observations of the site and its surroundings, I have no reason to take a different view. The Council's Highways Department have expressed concern with respect to the dimensions of the car parking space resulting in potential for a vehicle to overhang the highway and also the effect of the carport upon the shared access. However, the existing parking arrangements are established and based on my observations, there would be sufficient manoeuvring space on the adjacent shared access track with No 1 and Heaven Barn, together with the access to The Diggle Hotel, to prevent any harm arising from the proposed carport upon highway or pedestrian safety. Nonetheless, the absence of concern in each of those respects is a neutral factor.

Conclusion

17. I have found that the proposal would not be inappropriate development in Green Belt and no other harm has been identified in Green Belt terms. However, the great weight given to the less than substantial harm arising from the proposal upon the character, appearance and significance of the Diglea Conservation Area is an overriding factor which is not outweighed by the other material considerations and therefore, reflects conflict with the development plan and the Framework when taken as a whole.
18. For the reasons given above, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR