



Appeal Decision

Site visit made on 18 January 2022

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/P4225/D/21/3283323

Shawfield Farm Cottage , Shawfield Lane, Rochdale OL12 6BP

- 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 W Simmons against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 21/00756/HOUS, dated 19 May 2021, was refused by notice dated 28 July 2021.
- The development proposed is a subterranean garage.

Decision

1. The appeal is allowed, and planning permission is granted for a subterranean garage at Shawfield Farm Cottage, Rochdale OL12 6BP in accordance with the terms of the application, Ref 21/00756/HOUS, dated 19 May 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development must be begun not later than the expiry of three years beginning with the date of this permission.
 - 2) The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, which are referenced as follows: EX-01; EX-02; PL-01; PL-02 and PL-03.
 - 3) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the proposed development have first been submitted to, and then approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be implemented in accordance with the approved details.

Preliminary Matter

2. Other development approved under planning application 20/01561/HOUS is shown on the submitted drawings, but not listed on the application form or the Council's decision notice. For clarity, and in the absence of any evidence to the contrary, I have determined this appeal on the basis of the development described on the application form and the Council's decision notice.

Main Issues

3. The main issues of this appeal are:
 - whether the development would be inappropriate development in the Green Belt;

- the effect of the development on the openness of the Green Belt;
- if the development 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 2021 (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.
5. The national policy advice in the Framework has to be read together with the relevant development plan. In this instance Policy G4 of the Rochdale Adopted Core Strategy 2016 (CS) is cited and consequently conforms to the thrust of national Green Belt policy. 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 149 of the Framework.
6. Both parties assert that the development should be considered as an extension to the host dwelling under paragraph 149 c) in the Framework. Additionally, the appellant advances paragraph 149 e) in his submission, providing 2no. judgements¹ in support. However, due to the nature, siting and location of the proposed development to the rear of the host dwelling and the relation with the site to its surroundings, I do not consider the development to comply with the exceptions listed at either Paragraph 149 c) or e).
7. Thus, the proposed development does not fall within the scope of the exceptions listed in paragraph 149 of the Framework, and therefore represents inappropriate development within the Green Belt, and would therefore be at odds with CS Policy G4 and the Framework in this regard.
8. The Guidelines and Standards for Residential Development Supplementary Planning Document 2016 (the SPD) has been cited by the Council on its decision notice. However, given my findings above, the guidance contained within the SPD does not specifically relate to the proposed development. Consequently, I find that the SPD is not directly applicable on this appeal.

Green Belt openness

9. 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 development on Green Belt openness. It states that openness is capable of both spatial and visual aspects.
10. The appeal site is located to the rear of the host dwelling and is currently partially screened by mature trees and vegetation, which reduces its visual effect, especially from Shawfield Lane. Nevertheless, the effect on openness is

¹ Julian Wood vs. SSCLG and Gravesham Borough Council (2015) and Tate vs. Northumberland CC (2017)

not just about the degree to which a new building would be visible from within the public realm, but it is also concerned about the spatial aspect of encroachment on openness which can result from the cumulative effect of even small new buildings.

11. I recognise that the development is of a simple single storey design, relatively small in scale, occupying a section of the rear garden area. Additionally, I accept that the design measures incorporated into the scheme, such as setting the building into the site to create a partially subterranean structure, would to some extent reduce the impact of the proposal. Nonetheless, the development introduces additional bulk and massing to the site and therefore, in spatial terms, would have a harmful impact upon the openness of the Green Belt.
12. It follows that whilst the development would not be visually intrusive in terms of openness, it would nonetheless, have a harmful impact on openness due to its spatial characteristics. For all of these reasons, I conclude that the proposed development results in a moderate loss of openness to the Green Belt. As such, it would be contrary to the requirements of the Framework.

Other considerations

13. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm. The appellant contends there are considerations that would outweigh harm arising from inappropriate development.
14. 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 proposed development. Additionally, the appellant has specifically referred to the presence of permitted development rights at the host property, but the likelihood and merits of such a proposal are not before this appeal. My attention has also been drawn by the appellant to an extant scheme² (the previous scheme) that was approved by the Council.

Green Belt Balance

15. In summary, the development is inappropriate development in the terms set out in the Framework and leads to a moderate loss of openness to the Green Belt. Whilst this element of the submission is not directly referenced as fall-back, there is little before me to suggest that the previous scheme would not be relied upon should the appeal fail. This is a matter that I give significant weight in the determination of this appeal.
16. The proposed development takes a different approach to the previous scheme, through the provision of a garage rather than open air parking spaces. In this instance, I agree that the proposed development responds better to the site than the previous scheme. Whilst there may be a modest increase in size and more built development enclosing the parking area, when compared against the previous scheme, the proposed development would occupy a similar footprint in the same part of the site.

² 20/01561/HOUS

17. Furthermore, I have little doubt that the proposed development would result in a marked visual improvement to the parking proposal in the previous scheme. This would be achieved through the overall softening of the proposed development, primarily through its green roof and avoiding notable and prominent features, such as the previously approved retaining walls.
18. When taken together, the other considerations, particularly the presence of the extant previous scheme, the visual improvements in design, character and appearance within the proposed development, clearly outweigh the identified harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development exist in this instance.

Conditions

19. The Council has suggested conditions which it considers would be appropriate in its submission. I have reviewed these in accordance with the tests set out in the Planning Practice Guidance (PPG) and have amended the wording where necessary in the interests of clarity and simplicity.
20. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans is necessary. A condition securing the submission of external materials to the Council is reasonable and necessary to ensure the facing materials of the proposed development is acceptable to the character and appearance of the appeal site and surrounding area.
21. A condition was suggested in relation to the submission of a landscaping plan, but given the nature of the scheme as householder development, for a single dwelling, it would not be reasonable to attach such a condition in this instance.

Conclusion

22. Any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Overall, even when considering the Green Belt location of the site, I consider that there would be no adverse effects resulting from the proposed development that would significantly or demonstrably outweigh the favourable factors associated with the proposed development.
23. Therefore, in this instance there are material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan and planning permission should be granted.
24. For the reasons given above I conclude that the appeal should be allowed.

W Johnson

INSPECTOR