



Appeal Decision

Site visit made on 19 April 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2022

Appeal Ref: APP/W4223/D/22/3294553

Hodge Clough Farm. Wilkes Street, Oldham, OL1 4JW

- 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 John Ogden against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/347522/21, dated 6 September 2021, was refused by notice dated 14 January 2022.
 - The development proposed is a single storey extension to existing detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to existing garage at Hodge Clough Farm, Wilkes Street, Oldham, OL1 4JW in accordance with the terms of the application Ref HOU/347522/21, dated 6 September 2021, subject to the following conditions
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan: SLH001; Existing Site Plan: SLH002; Proposed Site Plan: SLH003; and Floor Plan and Elevations: SLH100.

Procedural Matter

2. The description of the development in the banner heading above is taken from the planning application form and refers to a detached garage. However, the building is no longer detached and I have deleted this part of the description in the formal decision.

Main Issues

3. These are:
 - Whether the appeal development would be inappropriate development for the purposes of the National Planning Policy Framework 2021 (the Framework) and Development Plan Policy.
 - The effect of the development on the openness of the Green Belt and the purposes of including land within it.
 - The effect of the development on the character and appearance of the area.
 - If found to be inappropriate development, 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

4. The appeal property is a part of a complex of former agricultural buildings situated within the Green Belt on the edge of the urban area. The proposal is for a single storey extension to an existing building, that is being converted into a dwelling. At the time of my site visit, the extension was under construction and the external works appeared to be virtually complete.
5. The appeal proposal is attached to a building which the appellant states was built as permitted development in 1986. He points out that the advice he was given at the time was that to qualify as permitted development, the building should be detached and, in that regard, a 2" gap was left between it and an adjoining garage (a building that dates back to the early 1900's).
6. The Council has been unable to find any records for the 1986 building, but accepts that it is now lawful, because the four-year period has elapsed and it is therefore immune from enforcement action.
7. Planning permission was then granted in 2007 to convert the two buildings into residential use. At some point after that the 2" gap was infilled, although there is evidence internally that indicates that the buildings were, at some point, separate.
8. Paragraph 149 of The Framework states that the construction of new buildings within the Green Belt should be regarded as being inappropriate. However, it also goes on to list exceptions, one of which is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
9. In addition, Policy 22 of the adopted Joint Core Strategy and Development Management Policies Development Plan Document 2011 (DPD) states (amongst other things) that development within the Green Belt will be permitted, provided it does not conflict with national policies.
10. By closing the gap, the Council considers that the early 1900's building has been extended by the 1980's structure and that the appeal proposal, when added to this extension, is disproportionate. Consequently, the proposal is inappropriate development in The Green Belt.
11. Having regard to the provisions of The Framework and the DPD policy, the main consideration is whether the appeal proposal would be a disproportionate addition over and above the size of the original building. Consequently, it is necessary to establish what is the original building and how the extension relates to the original, in terms of its size. In that regard Annex 2 of The Framework defines the original building as a building as existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
12. This is not a clear-cut case, but in my opinion, the original building is the section of the building to which the appeal proposal is attached. Although it is now attached to the early 1900's building on the opposite side, the 1980's

building as first built, in its detached form, should be regarded as the original. On this point, I agree with the appellant's reasoning.

13. Turning to the second consideration concerning the size of the appeal proposal, the appellant has provided calculations in terms of comparative volumes and floorspace figures. I have no evidence to refute these calculations and, on that basis, I conclude that the appeal proposal would not be a disproportionate addition.
14. For these reasons, I consider that the proposal is not inappropriate development in the Green Belt and that the proposal does not conflict with the provisions of The Framework or with Policy 22 of the DPD.

Openness

15. I have found the proposal to be not inappropriate development. Consequently, I am not required to assess its impact on the openness of the Green Belt.

Character and Appearance

16. In terms of external materials and overall design, I consider that the proposed extension matches and complements the host building and its immediate surroundings. In that regard, I conclude that the proposal does not have an adverse effect on the character or appearance of the area.

Conditions

17. The Council has suggested conditions in the event of the appeal being allowed. As the development has commenced, the standard condition giving 3 years to start the development is not necessary. I am also satisfied that the external materials used in the construction of the extension are acceptable. Consequently, a condition relating to these is not required. For the avoidance of doubt, a condition is imposed specifying the approved plans.

Conclusion

18. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR