



Appeal Decision

Site visit made on 16 August 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2022

Appeal Ref: APP/W4223/W/22/3297988

Woods House, Sugar Lane, Dobcross, Oldham OL3 5NJ

- 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 CP Development against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/345402/20, dated 14 August 2020, was refused by notice dated 22 February 2022.
 - The development proposed is the erection of three dwellings.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by CP Development against Oldham Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect on designated heritage assets with particular regard to the Dobcross Conservation Area and Woods House, a Grade II Listed Building.

Reasons

Dobcross Conservation Area

4. The site is located at the southern edge of the Dobcross Conservation Area (the CA). Under the duty imposed under s 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. The CA consists of the historic core of the village which evolved because of its position at a key point on an historic moorland route and as a textile centre developed to supplement surrounding farming activities. In the vicinity of the site, the CA consists primarily of tightly spaced vernacular stone buildings which accommodate residential, commercial and community uses. A high proportion of the buildings are listed.
6. The predominantly local stone buildings include stone flagged chimneyed roofs and stone detailing features including quoins, parapets, window surrounds and mullions. Some buildings include long rows of weavers' windows which provides

a distinctive feature of the area. Together, the buildings' architectural detailing and arrangement contribute to the significance of the CA.

7. From the central concentration of older buildings about The Square, the pattern of building distribution becomes somewhat more spaced where it would historically have been transitional to the surrounding rural landscape. The site forms part of the historic garden area of Woods House with structured planting about its edges and an outlook to the south. Against the tight group of buildings north of Woods House, this part of the CA provides a contrasting verdant area with a strong sense of openness. The space it provides assists in defining the tight cluster of the central buildings and is transitional in providing a link at the edge of the settlement with the valley landscape beyond. As part of the original plot to Woods House, it has purposely been included within the CA as a positive element contributing to it.
8. The proposed buildings would be graded across the slope and terrace of the garden area. This would largely fill the open central area bordered by the mature trees. Although the design of the houses would incorporate elements common to buildings in the locality, their form, scale and integral garaging would appear somewhat suburban in the context of the surrounding development.
9. Whilst this would read as a later phase of development, the cumulative scale of development arising from the heights and bulk of the individual buildings would undermine the openness of this part of the CA. Taken together, they would impose on the open character and appearance of this part of the CA and undermine the significance of the arrangement of development within it.
10. In addition to the outlook from the properties bordering the site, this would be clearly visible from Sugar Lane across the driveway behind 10-14 The Square and the gated access into the site. The contrasting appearance and arrangement would relate poorly to either the tightly developed small houses and commercial premises or the examples of larger edge 'status' plots in larger grounds. In the context of the wider CA, the effect would be moderate.
11. I note the appellant's reference to the development of a large garden area at Briarfield, an example of a larger property within the CA nearby. However, there is limited detail of the circumstances of that decision by the Council. I am therefore unable to draw comparisons, or otherwise, to the case before me. Moreover, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm or lead me to alter my findings on this issue.
12. For the reasons set out above, I find the proposals would fail to preserve the character and appearance of the CA.

Woods House

13. Woods House is a large stone-built 3-storey house, now subdivided. The building is considered to date from the C18 and has seen additional phases of development to extend and alter it. It has a vernacular coursed stone construction with watershot courses and a graduated stone roof. The building has stone architectural detailing including corner quoins, a decorated eaves cornice and stone window surrounds. It incorporates a row of the local

characteristic weavers' windows in the rear elevation. Some modern porch additions have been added in conjunction with its subdivision.

14. The architectural detailing is considered to demonstrate 'proto-industrial' characteristics as the house of a successful clothier providing both accommodation and production areas. It sits on the edge of a group of buildings close to the historic centre of the village. Here it has a sense of grandeur arising from its taller scale, the walled entrance and historic large garden plot providing a foreground to its main outlook across the falling topography of the rural landscape to the south. The building's architectural and historic interest define its significance as a recognised heritage asset.
15. Section 66(1) of the LBCA Act, requires a decision maker, in considering whether to grant planning permission for a development which affects a Listed Building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic significance.
16. The former garden area forms part of the setting of the listed Building. Despite that the area has become overgrown to reduce any formal appearance, and that new internal hedges have been planted along low terrace walls as part of the subdivision of the house, the land retains a strong relationship with the building. It is distinct from the farming and equine uses lower down the hillside and so reads as part of the settlement area.
17. The land-forming of the central sunken open area of the original garden is bordered by trees on both sides. These provide a degree of containment and frame the outward views from the building. The area is accessed using what was the original driveway. Accordingly, the site retains both a strong physical relationship and visual association with the house.
18. Although public viewpoints of the site are limited to those identified above, this does not alter its historic association or interpretation of the land as part of the building's setting. Even accounting for the change in levels between the Listed Building and proposed houses, the introduction of 3 closely sited new dwellings of significant cumulative scale would cause a substantial enclosure of the open vista currently benefitting Woods House.
19. Whilst there would be no direct physical effect on the listed building, the imposition of a competing scale of development within the former garden would significantly undermine Woods House's setting on the edge of the important central group of buildings. Crucially, this would obscure the interpretation of its historic status – much of which arises from the purposeful south-facing aspect over the adjacent valley area. This considerable effect would be exacerbated by the attendant introduction of new subdividing borders and extensive areas of hardstanding.
20. I note the appellant's contention that the land has been severed from the ownership of Woods House. Whilst I recognise that this has caused its maintenance to lapse, I find this has little bearing on the matter of the Listed Building's setting. It is neither an unusual or defining situation in the assessment of the setting of a heritage asset. Although I acknowledge that the proposed use of the site could improve the extent to which it is managed, in the context of the building's setting, I find this would be a negligible benefit against the imposition of the proposed scale of development.

21. Whilst the resultant harm to the character and appearance of the CA and the setting of the Listed Building would be no greater than less than substantial within the context of Paragraph 202 of the Framework, less than substantial harm does not equate to a less than substantial planning objection. Paragraph 202 identifies that where less than substantial harm to the significance of a designated heritage asset occurs, this harm should be weighed against the public benefits of the proposal. I undertake this assessment within the overall conclusion of this decision. Nevertheless, at this stage it is important to recognise that the proposal would be contrary to Policies 20 and 24 of the Oldham Local Plan as they require new development to seek to reinforce local identity, reflect the character and distinctiveness of local areas and conserve and enhance the historic environment, including Conservation Areas and Listed Buildings.

Other Matters

22. The appellant refers me to the fact that the Council is unable to demonstrate a 5-year housing land supply. There is no dispute between the main parties that this currently stands at some 3.1 years of supply. Whilst the 'presumption' set out in Paragraph 11 of the Framework does not apply on account of Paragraph 11.d)i and Footnote 7 due to the identified adverse effects on heritage assets, I recognise that the proposals would provide social and economic benefits arising from the provision of family housing in an area of limited housing opportunities.
23. This would arise from the construction of the houses, and potential occupation by working age residents which could assist in sustaining the vitality of local rural communities and their associated services and facilities. It would also utilise a currently under-used windfall site.
24. I recognise the benefits of potential biodiversity enhancements on the site, however, as a requirement set out in Paragraph 174 of the Framework, the provision of net gains in conjunction with achieving sustainable development as a requirement in new development is not a benefit in favour of the proposal.
25. In relation to the assessment of those benefits, the appellant refers me to appeal decisions elsewhere. In those cases, outline planning permission was granted on the balance of public benefits against harm arising to designated and non-designated heritage assets. I note that in one instance¹, the impact of development would be largely mitigated by landscaping and would deliver a substantially greater number of dwellings than proposed here. Another decision² related to a higher number of self-build/custom-build houses.
26. I also note the weight that another Inspector attributed to housing delivery on a Green Belt site in the vicinity. However, as a development of 5 houses considered against an impact described as 'limited' there are some differences in the case circumstances.
27. Although relevant, such decisions are not binding and do not limit the scope of judgement in individual case circumstances in other locations. In this case, there is a more limited number of units proposed such that the associated benefits are also more limited. Furthermore, the benefits are not necessarily

¹ APP/E2340/W/20/3250622

² APP/V3120/W/20/3265465

dependent on the specific scale and arrangement of development within the site. Accordingly, I find they are limited to moderate weight.

28. Concerns have been raised by a third party in respect of the use of the site by wildlife. However, there is little substantive evidence to support those claims. I am therefore unable to attribute significant weight to this argument.
29. The traffic associated with a limited number of new houses on the site would not, in my opinion give rise to significant highway safety or capacity issues in the location. This is a view shared by the Council. Any effects from the construction period would be short-term and could be mitigated by careful construction management, which could be conditioned.
30. I note the appellant's concern that the Council's heritage advisor did not enter the site during its assessment of the planning application. Whilst I have borne that in mind, I have considered the scheme based on the Council's decision, the evidence before me and with regard to my own observations on and about the site.

Planning Balance and Conclusion

31. The proposal would harm the setting of a Listed Building and the character and appearance of the Dobcross Conservation Area. Accounting for the considerable importance and weight to be given to the desirability of preserving designated heritage assets and their settings as required by the LBCA Act, and the Framework's expectation that great weight be afforded to their conservation, these are matters to which I attribute considerable weight.
32. In my judgement, the cumulative benefits presented by the appellant do not outweigh the totality of the harm in the particular circumstances of the case. Accordingly, I find the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR