



Appeal Decision

Site visit made on 8 November 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/P4225/W/22/3295210

Land adjacent to 1A Whittle Lane, Birch, Rochdale OL10 2RD

- 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 21/01507/FUL, dated 18 October 2021, was refused by notice dated 28 January 2022.
 - The development proposed is described on the application form as '1 new bungalow with forecourt, rear terrace, side accesses and drive to garage, new boundary fence and gated vehicle and pedestrian access onto Whittle Lane to replace existing'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area, including whether the proposal would preserve or enhance the character and appearance of the Birch Village Conservation Area;
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to external amenity space; and
 - if it is 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

Whether inappropriate development

3. The appeal site relates to a rectangular parcel of land on the northern side of Whittle Lane within the small village of Birch. It is bound by a residential property to the west and by a public house car park to the south-east. The site slopes up from road level and is fenced off from a field to the north. The site formed part of a gravel quarry which was infilled and is now grassed over apart

from the existing access off Whittle Lane which is hard surfaced. There are a number of trees on the southern and eastern boundaries. The site is within the Green Belt.

4. Saved Policy G/D/2 of the Rochdale Borough Unitary Development Plan (UDP) (2006) states that the Green Belt will be protected from inappropriate development in order to satisfy the purposes and objectives for Green Belt set out in PPG 2. Policy G4 of the Rochdale Adopted Core Strategy (Core Strategy) (2016) states that development will be restricted to those limited types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be demonstrated. This reflects paragraph 147 of the Framework. Paragraph 149 of the Framework states that construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions.
5. The proposed dwelling would be cut into the sloping site. This element of the development would constitute an engineering operation for the purposes of paragraph 150 of the Framework and Policy G4 of the Core Strategy.
6. The appellant considers that the proposal constitutes limited infilling in a village which is one of the exceptions listed at Framework paragraph 149 e). The Framework does not provide a definition of what should be considered to be limited infilling in villages. Accordingly, it is an assessment to be made on a case-by-case basis, taking account of the specific circumstances of the site. The site is not within a tight cluster of buildings but is located adjacent to a sporadic form of ribbon development on Whittle Lane with a field to the north with trees and a grass verge to the south. There is a significant gap between the existing properties on Whittle Lane and the White Hart Public House which fronts onto Heywood Old Road. Moreover, the plot would have a wide frontage and be significantly larger than the neighbouring plots to the west. The dwelling would be positioned centrally on the site with large gaps on either side. As a result, the appeal proposal could not be described as limited infilling and would not meet the exception at Framework paragraph 149 e).
7. For the above reasons, I conclude on this main issue that the proposed dwelling would be inappropriate development in the Green Belt. Such development is, by definition, harmful and would be contrary to Policy G4 of the Core Strategy, saved Policy G/D/2 of the UDP, and the Framework, which seek, amongst other things, to protect the Green Belt. The resultant harm should be given substantial weight in determining the appeal in accordance with paragraph 148 of the Framework.

Openness

8. The Framework states that the essential characteristics of Green Belts are their openness and permanence. Openness has both spatial and visual aspects.
9. The development would introduce additional built form in a location that is currently open. Whilst the proposal would be seen against the backdrop of rising ground, it would nevertheless be a substantial structure which would inevitably lead to a loss of visual openness. The provision of a domestic curtilage with associated domestic paraphernalia, new hard surfaced areas and new boundary treatments would emphasize the prominence of the proposal.

10. The proposal would result in a loss of both spatial and visual openness. The proposal would conflict with the fundamental aim of keeping land permanently open. It would not assist in safeguarding the countryside from encroachment and would result in significant harm to the openness of the Green Belt. The proposal would conflict with the aims of the Framework and would be contrary to Policy G4 of the Core Strategy and saved Policy G/D/2 of the UDP which seek, amongst other things, to prevent harm to the Green Belt.

Character and appearance

11. The appeal site is located within the Birch Village Conservation area (CA). I have considered the effect of the scheme in the context of the obligations under the Act¹, which requires special regard to be given to the desirability of preserving the character or appearance of the CA. This is reflected in Framework paragraph 199 which requires that great weight be given to the asset's conservation when considering the impact of a proposed development on its significance.
12. In my view, the significance of the CA derives from the distinctive linear form of development along Heywood Old Road which includes good quality nineteenth century two storey properties from the Arts and Crafts period which generally front onto the road, and its association with the architect Edgar Wood. The open spaces within and surrounding the village contribute to the rural character of the area and the setting of the CA.
13. The site forms part of an open area of land with trees to the frontage which compliments the rural setting of the CA. Though the Birch Village Conservation Area Appraisal notes that the appeal site makes only a slight contribution to the CA, my understanding is that this document was produced prior to the site being infilled.
14. The proposal would be a substantial detached bungalow which would occupy a large footprint positioned centrally on the site. The siting and scale of the new dwelling, together with the extent of excavation proposed and erection of substantial retaining walls, would have an urbanising effect on the rural character of the site, the effects of which would be exacerbated by the creation of large areas of hardstanding, provision of a garden with domestic paraphernalia associated with residential occupation, and parked vehicles. The siting of the proposal a significant distance back from the roadside would be uncharacteristic of properties in the area, which generally front onto the road or are set back a short distance.
15. The design of the proposal has sought to reflect the Arts and Crafts style of buildings within the CA, particularly on Heywood Old Road, including the use of a gable feature to the front and bay windows. However, the appeal site is viewed largely in the context of the properties immediately to the west, which are of more simple form and appearance. The design of the proposal, including its broken up roof form, dovecote and the variety of sizes of window openings, would appear overly complex and fussy and lack the simplicity of the neighbouring properties. Whilst the height of the proposed dwelling has been minimised, the single storey nature of the proposal would contrast with the two storey properties generally found in the surrounding area. These factors would

¹ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

exacerbate the dwelling's presence and appearance as an incongruous addition which would fail to relate well to the surrounding area.

16. Despite the screening provided by the existing trees to the site frontage, the site is still clearly visible from Whittle Lane. The development would be seen as an intrusion into the countryside and would be harmful to the sense of openness in this part of the CA, which would detract from its setting.
17. In conclusion, the proposed development would significantly harm the character and appearance of the area and fail to preserve or enhance the character and appearance of the CA. It would conflict with Policies P1, P2, P3 and DM1 of the Core Strategy which, taken together, seek to protect and enhance the borough's character, including designated heritage assets, and ensure that development is of a high quality design. For the same reasons, the development fails to accord with the provisions of the Framework which seek to protect and conserve heritage assets.

Living conditions

18. The external amenity space for the development would be located primarily to the rear of the dwelling in the form of a terrace, which would be bound by retaining walls to the rear and sides, and by the dwelling itself. The rear retaining wall would be about 5m high and would be overbearing, creating an uncomfortable sense of enclosure. This space would have a poor outlook on account of the retaining walls and would be a gloomy area due to its orientation relative to the dwelling, with little sunlight until late in the day.
19. External space would also be provided to the sides of the dwelling and to the front. The areas to the side would be narrow and would feel unduly enclosed due to the presence of retaining walls. The trees to the site frontage would only partially screen the area to the front of the dwelling and consequently it would lack privacy. These areas would therefore be unlikely to provide sufficiently useable outside space for future occupiers of the dwelling.
20. I therefore conclude that the development proposed would not provide satisfactory living conditions for future occupiers, having regard to the proposed external amenity space. It would conflict with Policies P3 and DM1 of the Core Strategy, the Guidelines and Standards for Residential Development SPD (2016) and the Framework. Amongst other things, these policies and guidance seek to ensure that development is of a high standard of design and provides high standards of amenity for future residents/users.

Other considerations

21. The appellant has not advanced any other considerations in favour of the proposal. However, I have taken into account the social and economic benefits of the proposal, which would include the provision of a new dwelling in an accessible location, the creation of employment opportunities during the construction of the development and spending in the local area by future occupants. Given the scale of the development, I give these matters limited weight in its favour.
22. The Council have not raised objections to the proposal on grounds of highway safety, ecology or the effects on the living conditions of neighbouring occupiers. I have no reason to disagree with this assessment based on the

evidence before me and my observations on site. However, these are neutral matters rather than ones that weigh in favour of the proposal.

Planning Balance

23. The proposal would be inappropriate development in the Green Belt and it would be harmful to the openness of the Green Belt. I have also found that the proposal would harm the character and appearance of the area, including the character and appearance of the CA, which is a designated heritage asset, and it would not provide satisfactory living conditions for future occupiers, having regard to the proposed external amenity space.
24. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whilst I have given weight to the factors in favour of the proposal, when taking these matters cumulatively, they do not clearly outweigh the harm that the proposal would cause. Consequently, there are not the very special circumstances necessary to justify the proposal.
25. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and I must give considerable importance and weight to designated heritage assets. When considered in light of the designated heritage asset as a whole, the proposal would amount to less than substantial harm to the character and appearance of the CA. Paragraph 202 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. Although I have given some weight to the public benefits of the scheme, they do not outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset.

Conclusion

26. The scheme would conflict with the development plan and with the Framework, and would not benefit from its presumption in favour. For those reasons, and having regard to all other matters raised, the appeal is dismissed.

M Ollerenshaw

INSPECTOR