



Appeal Decision

Site visit made on 8 November 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/W4223/W/22/3301189

Land to the north-eastern side of Roebuck Lane, Strinesdale, Oldham, OL4 3RA

- 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 Ms D Brears against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/347290/21, dated 20 July 2021, was refused by notice dated 26 January 2022.
 - The development proposed is an earth sheltered dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was refused on three grounds, the third of which concerned the effect of the proposal on the bridleway which runs through the site. Following further investigations by the Public Rights of Way officer, the Council has indicated that it no longer wishes to defend the third reason for refusal. Having visited the site, I am satisfied that the proposal would not obstruct the bridleway, so have not considered this matter any further.

Main Issues

3. The site is within the Green Belt. There is no dispute that the proposed development would constitute inappropriate development for the purposes of the National Planning Policy Framework (the Framework), but there is disagreement about the effect on openness. The main issues, therefore, are:
 - the effect of the proposal on the openness of the Green Belt;
 - whether the proposed site is a suitable location for residential development, having regard to accessibility to local services and public transport; and
 - 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 it.

Reasons

Effect on openness

4. The appeal site is within an elevated area of countryside, to the east of Moorside. The landscape is open with sporadic built development, including a

short terrace of cottages on Roebuck Lane, immediately opposite the appeal site. The site, which is formed of rough, uncultivated ground, rises up steeply from Roebuck Lane and has been fenced off from the surrounding field. The site previously had buildings on it, but they have long since gone, and although there are remains still present, the appearance of the site is that of undeveloped land.

5. Openness is an essential characteristic of the Green Belt, which has both visual and spatial components.
6. The proposed earth sheltered dwelling would be constructed within the hillside, so the only visible parts of the building would be the angled front elevation and top lightwells. The rest of the house would be covered by mounded earth, which would be planted with grass and wildflowers so as to appear part of the wider landscape. Mounds would be created to the front of the site which would help screen the proposed development from both Roebuck Lane and the bridleway which passes through the site.
7. The proposed earthworks would change the topography of the site itself, but as the ground level is above that of Roebuck Lane, and well screened by existing boundary vegetation, this would not be obvious from the lane below. The mounds would be clearly visible from the bridleway, but the undulating form of the landscape means the changes would not be particularly noticeable when viewed from further away. From Roebuck Lane, the proposed groundworks would not interrupt views of the wider countryside beyond to any significant extent.
8. The scheme has been designed to minimise its visual impact by making use of the existing landform, and the house itself would be largely concealed from view. However, the improved access and driveway would be clearly visible emerging from Roebuck Lane, and crossing the corner of the adjacent field. Other domestic features such as parked cars, refuse storage and energy generation infrastructure would be well screened, but not completely hidden, and the change from open countryside to residential use would be readily apparent from the surrounding area. It would be particularly obvious from the bridleway, as it passes immediately adjacent to, then rises above the site.
9. Despite the proposed screening, the domestic features and structures in the curtilage of the dwelling would cause a modest amount of visual harm to the openness of the Green Belt.
10. As for any new building, the proposal would also have a spatial impact on openness. The house itself would be of a modest size, but as a whole, the development would occupy a significant proportion of the site. That said, the spatial impact would be small in relation to the wider Green Belt.
11. The proposal would not conflict with the 5 purposes of including land within the Green Belt, but it would constitute inappropriate development. In addition, there would be modest harm to openness.
12. According to paragraph 147 of the Framework, inappropriate development is, by definition, harmful to the Green Belt, and should not be allowed except in very special circumstances. This approach is confirmed by Policy 22 of the Oldham Joint Core Strategy and Development Management Policies 2011 (Local

Plan), which says that development in the Green Belt will be permitted where it does not conflict with national policies.

Access to services and public transport

13. In order to create sustainable settlements, Local Plan Policy 3 directs new housing development to suitable locations which offer a range of community facilities, and with good access to key services and infrastructure.
14. Although outside the settlement of Moorside, there are a number of local services reasonably close to the appeal site, including the Roebuck Inn pub, Moorside cricket club, and a local shop and takeaway on Whitehall Lane. A wider range of shops and services are available somewhat further away, on Ripponden Road. However, whilst the public house is only around 300m away, the nearest shop is around 900m. As such, the proposal does not comply with Policy 3, which requires that minor development is within around 480m of at least two key services.
15. To work towards the transition to a low carbon economy and reduce traffic congestion, Local Plan Policy 1 seeks to reduce the need to travel, by ensuring new development is located in areas that are accessible by a range of sustainable transport choices, and Policy 5 is concerned specifically with access to public transport. Policy 5 requires that minor development, such as the appeal proposal, should achieve 'Low Accessibility' as a minimum, meaning that it should be within approximately 400m of a bus route.
16. The appellant has noted that there is a ring and ride service that operates along Roebuck Lane. However, no additional information has been provided, and it is unclear whether the ring and ride service can be used by anyone, or if restrictions apply.
17. Assuming, therefore, that future occupiers would need to use the service bus, the nearest stop is around 600m away, on Arncliffe Rise. From here, buses provide access to local services and Oldham town centre. Although not an excessive distance to walk, the route to the bus stop, and to the local shops and services on Whitehall Lane and Ripponden Road, involves a narrow lane with virtually no footpath. Roebuck Lane, which becomes Turf Pit Lane, is lit with regular street lights, but at the time of my visit there was a reasonable amount of traffic passing along the lane. Very narrow verges mean that there is very little space at the side of the road for pedestrians to avoid vehicles, and bends in the road restrict visibility.
18. Even if future occupiers were prepared to walk, the lane would not provide an attractive or particularly safe pedestrian route, particularly the initial section between the site and Arncliffe Rise. The site has good access to the footpath network, but to meet their day to day needs for shops and services, it is likely that future residents would be largely reliant on the use of a private car.
19. The proposed dwelling would not be in an isolated location, with residential development immediately opposite. In terms of accessibility, the situation would be no different than for existing residents of the area, and would not worsen existing pedestrian safety. However, that is not a reason to allow additional housing in a location that does not have easy access to local services by a range of sustainable transport modes.

20. Reference has been made to other residential developments which have been approved locally, but I have assessed this appeal on the particular circumstances of the case and in light of relevant policies. Furthermore, I note comments by the Council that the developments at Roebuck Low Farm and Shiloh Farm involved the conversion of existing agricultural buildings using permitted development rights. Unlike the appeal proposal, those cases did not require planning permission, and the principle of development would have already been accepted through the relevant legislation in the General Permitted Development Order. The developments referred to do not provide a reason to allow the proposed scheme.
21. I conclude that the site would not provide a suitable site for housing in terms of its accessibility to local services and public transport. The proposal conflicts with Local Plan Policies 1, 3 and 5, all of which direct development to locations which have access to a range of community facilities and services, by sustainable modes of transport.

Other considerations

22. Paragraph 134 of the Framework says that significant weight should be given to innovative designs which promote high levels of sustainability, so long as they fit in with the overall form and layout of their surroundings.
23. According to the Council, there are other earth sheltered dwellings in the borough, but they are not a common form of development, and the proposed design is unique in that it responds to the specific characteristics of the site. The construction techniques may not be truly innovative, but the scheme aims to be as near carbon neutral as possible, and in doing so, incorporates features not found in standard house building. The house would be highly energy efficient, with features to maximise thermal storage and minimise energy use. Additional sustainability features include solar panels/photovoltaic cells; a battery storage system; sustainable drainage system and rainwater harvesting.
24. These measures would help to reduce the overall environmental impact of the scheme, and I note its sustainability credentials have attracted support from that several interested parties. Whilst these features are benefits of the scheme, its overall sustainability is undermined by the location of the site, with poor pedestrian links to nearby facilities and services. As a result, the proposed development would not fully meet the provisions of Framework paragraph 134.
25. The Framework also requires that new development is sympathetic to the surrounding landscape setting (paragraph 130). The surrounding area is rural in character, and the appeal site appears part of the open countryside which rises up from this side of Roebuck Lane. The introduction of the proposed domestic use into an area of undeveloped countryside would erode its rural character, despite the attempts to blend the building into the landscape.
26. I acknowledge that the site was built on in the past, but the remains of Primrose Hill farm have now blended into the landscape, and are not readily visible from beyond the site itself. The site has the appearance of undeveloped land, and does not meet the definition of previously developed land contained in the Framework. I note the appellant's comments that the site is unsuitable for agriculture, but this does not provide a reason to allow a scheme which would cause harm to the Green Belt.

27. The proposal would enable the appellant to downsize into a more suitable size of property, whilst remaining close to family and staying within the local area. It would also provide an opportunity for the appellant to build their own home to their specification. I acknowledge that the Framework is supportive of self and custom built housing, but this does not override national policies to protect the Green Belt, or the strategy of the Local Plan to guide development to the most accessible locations.

Green Belt Balance and Conclusion

28. As it would constitute inappropriate development, the proposal would, by definition, cause harm to the Green Belt. There would also be modest harm to openness. Paragraph 148 of the Framework establishes that, when considering proposals, substantial weight should be given to any harm to the Green Belt. In addition, the proposal would fail to comply with the locational criteria for development contained in Local Plan Policies 1, 3 and 5.

29. Taken together, the other considerations do not clearly outweigh the harm to the Green Belt, and the failings in terms of accessibility. I appreciate that this will be disappointing for the appellant, but the very special circumstances necessary to justify the scheme have not been demonstrated.

30. For the reasons given, the appeal is therefore dismissed.

R Morgan

INSPECTOR