



Appeal Decision

Site visit made on 8 November 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/W4223/W/22/3299319

Dolefield Barn, Fur Lane, Greenfield, Oldham OL3 7PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr. Frank Rothwell against Oldham Metropolitan Borough Council.
- The application Ref HOU/347622/21, is dated 21 September 2021.
- The development proposed is new single storey extension to southwest corner of house.

Decision

1. The appeal is dismissed and planning permission for a proposed new single storey extension to southwest corner of house is refused.

Procedural Matters

2. The appeal is against the Council's failure to determine the planning application within the relevant statutory timeframe. However, I have had regard to the Council's appeal statement which provides clarity in terms of the reasons why the Council would have refused planning permission for the proposal, had it been able to do so. These have formed the main issues below.
3. Some evidence before me refers to the 2018 version of the National Planning Policy Framework (the Framework). For clarity and in accordance with the most up-to-date national policy situation, I have referred to the Framework's 2021 iteration. Whilst some paragraph numbers have changed and sections added, the substantive elements of the 2021 Framework relating to the main issues of the case, have not changed. Therefore, it is not necessary for me to seek further views from the main parties.

Main Issues

4. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the host building and wider area; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

5. The appeal site is located within the Green Belt. Policy 22 of the Oldham Local Development Framework; Development Plan Document – Joint Core Strategy and Development Management Policies 2011 (DPD), gives priority to the protection of the Green Belt, supporting new development where it accords with national Green Belt planning policies.
6. Paragraph 149 of the Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. 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, is one of the exceptions and upon which the appellant relies.
7. The Framework does not provide a definition of 'disproportionate additions.' Therefore, an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building, is a matter of planning judgement. From visual inspection, I saw that Dolefield Barn has been previously extended with a large single storey garage addition to the front, that also wraps around the side of the dwelling. Based on the submitted drawings, the existing extension is comparable in floor area to that of the ground floor of the original barn. Cumulatively when combined with the existing extension, the proposed extension would substantially increase the floor area to more than 50% of the original dwelling. The overall scale, bulk and mass of the building would increase accordingly.
8. The Council note that extensions to dwellings within the Green Belt over 33% of the original volume, would be considered as disproportionate. However, the local Green Belt policy does not specify a figure. Even based on the 33% guide suggested by the Council, the proposal in combination with the previous built extension, would significantly exceed that threshold. Although relatively small-scale in itself, the proposed extension would nonetheless amount to a disproportionate addition over and above the size of the original dwelling in terms of both floor area and volume, when taken in conjunction with the existing addition.
9. The appellant suggests that there was a large collection of buildings on the appeal site in 1948. However, it is clear from the evidence and my own observations during my visit, that they are no longer in situ. Even if they did exist, they appear on the historical plan and are described by the appellant as ancillary buildings, such that they would be separate buildings in their own right and would not be considered part of the original barn. The calculations provided in respect of the volumetric size of the previous buildings are not therefore determinative here.
10. Consequently, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful and should not be approved except in very special circumstances. It would therefore conflict with Policy 22 of the DPD and paragraph 149(c) of the Framework.

Openness

11. Paragraph 137 of the Framework indicates that openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension. The

appellant refers to the Euro Garages Ltd v Secretary of State for CLG and Cheshire West and Chester Council [2018] EWHC 1753 (Admin) judgement, which I have taken into account in assessing the impact of the proposal.

12. The appeal property has a large residential curtilage that is open in nature. The openness of the Green Belt is clearly evident around the dwelling given its location in proximity to agricultural fields. The appeal site would be visible from Kinders Lane, albeit uphill, the public footpath to the south-west and, at a medium distance from Boarshurst Lane to the south. Prominently sited on the front elevation of the dwelling, the increased mass and scale of the proposed extension would be evident in these public views.
13. The proposal would introduce a single storey structure into a space where there is currently no development, thereby eroding three-dimensional space. Although of relatively limited scale and viewed against the backdrop of the dwelling, the reduction to the openness of the Green Belt would nonetheless be noticeable and significant, given the combined bulk and scale of the previous and proposed extensions.
14. The appellant's Green Belt statement refers to the exception for the partial or complete redevelopment of previously developed land (PDL) under paragraph 149g of the Framework. However, this only applies where there is no loss of openness. Even if the appeal site did constitute PDL, as I have found that the proposed extension would have a greater impact on the openness of the Green Belt than the existing development, it would not constitute an exception to Green Belt policy under paragraph 149(g).
15. Therefore, I find conflict with Policy 22 of the DPD which aims to protect Green Belt Land. I also find conflict with paragraph 137 of the Framework.

Character and Appearance

16. The appeal site is located in a rural area where built form is distributed intermittently in and around agricultural fields. Buildings typically have simple plan forms and architectural detailing, with a consistent use of local natural stone. The area therefore has a pleasant, verdant and undeveloped rural quality.
17. The appeal dwelling has a simple appearance with a high wall to window ratio, due to its original function as a traditional agricultural barn. Despite the introduction of large new window openings, particularly at ground floor level and a large single storey wrap-around garage extension, it retains much of its traditional character and form. Given its prominent location on the hillside above Kinders Lane, the building contributes positively to the rural character of the area, being illustrative of historical agricultural architecture and practices.
18. Sited to extend forwards of the principal elevation and to wrap around the side elevation, the proposed extension would obscure the architectural feature of the stone quoins from public view, despite their retention internally. It would have a relatively shallow pitched roof with differing eaves heights and an asymmetrical form. Despite the use of stone mullions, the windows would consist of expanses of horizontal glazing, such that the proposed extension would have a low wall to window ratio. Even if the proposed position of the extension would avoid the creation of new openings within the existing fabric, its siting opposite the existing extension, would serve to clutter, enclose and partially obscure the front elevation. The siting and complicated form of the proposed extension would draw the eye to a negative degree and erode the

host building's simple plan form, proportions and detailing as seen in public views from Kinders Lane, the public footpath and at a medium distance from Boarshurst Lane.

19. The appellant states that the dwelling is not a listed building, and the site is not located within a conservation area. Be that as it may, Policies 9 and 20 of the DPD are clear that new development should be of a high quality and reflect the local character, which in this case is that of a former traditional barn in a rural setting.
20. I conclude that the proposed extension would appear as an incongruous form of development, visually harmful to the host dwelling and the surrounding area. As a result, it would fail to comply with Policies 9 and 20 of the DPD. It would also fail to comply with paragraph 130 of the Framework which requires high quality development that responds to, and reflects the identity of the surroundings.

Other Considerations

21. Paragraph 148 of the Framework states that very special circumstances for new development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. However, the appellant has not advanced any other considerations which I can weigh against the harm identified.

Other Matters

22. The development is said to not adversely affect views from other properties. However, that is a neutral matter weighing neither for, nor against allowing the appeal. The conduct of the Council is a matter between the parties which does not affect my findings on the main issues.

Conclusion

23. The proposal would amount to inappropriate development in the Green Belt, resulting in a significant loss of openness and harm to the character and appearance of the host dwelling and wider area. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, and lack of other considerations, the harm is not clearly outweighed. Therefore, the very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed and planning permission is refused accordingly.

M Clowes

INSPECTOR