



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: 5 December 2022

Appeal Ref: APP/W4223/W/22/3300858

Leonardin House, Narrowgate Brow, Royton, Oldham OL2 6XU

- 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 Noel Mahon against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/348462/22, dated 2 February 2022, was refused by notice dated 5 May 2022.
 - The development proposed is described as 'the provision of garden home/office delivered in 'kit' form to be erected on a prepared concrete base by others and used by a family member. The 'kit' is an ultraframe product and known as a tall studio.'
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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 National Planning Policy Framework (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 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

3. 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 planning policies on Green Belt. 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.
4. The Council consider that the proposal as a detached outbuilding does not meet any of the exceptions of paragraph 149 of the Framework. The appellant has not advanced any evidence to suggest that any of the exceptions listed in paragraph 149 should apply to the proposal.

5. With no substantive evidence to the contrary, I find that the proposal would fail to meet any of the exceptions set out by paragraph 149 of the Framework and would be inappropriate development, which is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It would also conflict with Policy 22 of the DPD.

Openness

6. 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.
7. The proposed single storey outbuilding would be erected within the large front garden of the appeal property which is open in nature, consisting primarily of a lawn and hardstanding for the parking of vehicles. The erection of a new building where one does not currently exist, would result in the loss of openness.
8. The front garden is triangular shaped and located between the highway of Narrowgate Brow and the access track to Narrowgate Farm, which also forms part of a public right of way. The proposed outbuilding would be visible from public vantage points around the site, above the mature evergreen hedgerows to the front boundaries, albeit to a limited degree due to the relatively small scale and low height of the outbuilding. It would also be glimpsed briefly through the metal gates to either side of the garden.
9. The position, scale and mass of the proposed outbuilding would impact on the spatial and visual dimensions of the appeal site resulting in a moderate loss of openness. Therefore, I find conflict with Policy 22 of the DPD which aims to protect Green Belt land. Conflict is also found with paragraph 137 of the Framework.

Character and Appearance

10. The proposed outbuilding would be contemporary in appearance, constructed of anthracite grey aluminium cladding with french doors and full height glazing facing into the garden, under a shallow mono-pitched roof. Whilst the framing would appear bulky, the grey materials would complement the fenestration and cladding to the dormers of the main dwelling. Although detached from the dwelling, it would not be unduly prominent given its overall limited scale.
11. It is suggested that the proposal would be no closer to any highway than the main dwelling, nor close to any neighbouring properties. However, these are neutral matters that weigh neither for, nor against allowing the appeal.
12. Consequently, whilst the proposal would change the appearance of the appeal site through the introduction of a new building, I consider that significant harm would not be caused to the character and appearance of the area. For the above reasons, I do not find conflict with the character or design requirements of Policies 9 and 20 of the DPD which require development to not have a significant, adverse impact on the visual amenity of the surrounding area.

Other Considerations

13. Reference is made to a news article from The Planner magazine, relating to the provision of dedicated office space within homes. The article suggests that local planning policies that control the size and mix of residential properties including the number of bedrooms should be reviewed, and that Council's should be more flexible in determining applications for homes with more rooms than

expected. The proposal before me is for an outbuilding rather than a new dwelling and I am required to consider the relevant development plan as it stands including local Green Belt policies. The article does not therefore alter my findings in respect of the main issues.

14. The proposed outbuilding would provide a home office for a family member to carry out accounting tasks for their joinery company. It is also suggested in the appellants appeal letter, that the office may provide a suitable working environment for another family member who has a medical condition. I must have due regard to the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010 which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic such as disability and people who do not share it. There would be clear benefits to the appellant in terms of meeting their family's need for office accommodation. However, there is limited evidence before me to suggest that this is the only way of providing the required work space at the family home. I attribute limited weight to this benefit.

Other Matters

15. Reference is made to the Council not working in a positive and proactive manner as required by Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Whilst any such matters would be understandably frustrating, concerns over how the Council dealt with the planning application is a matter between the parties, and does not affect the consideration of the main issues.

Conclusion

16. Although there would not be harm to the character and appearance of the area, the proposal would amount to inappropriate development in the Green Belt, and would result in a modest loss of openness. 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.
17. Given the substantial weight to be given to Green Belt harm, the harm is not clearly outweighed by the limited weight attached to the other considerations, namely the benefit of home working accommodation. Therefore, the very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed accordingly.

M Clowes

INSPECTOR