



Appeal Decision

Site visit made on 25 April 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2023

Appeal Ref: APP/W4223/W/22/3311262

Land Off Middleton Road, rear of 867-877 Middleton Road, Oldham

- 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 Richard Hesmondhalgh against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/348637/22, dated 7 March 2022, was refused by notice dated 21 June 2022.
 - The development proposed is described as 'Retrospective planning permission for the siting of storage containers, boundary fencing and landscaping, land off Middleton Road, Oldham'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was in situ at the time of my visit. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the siting of storage containers and boundary fencing. Addition landscaping is being proposed on land owned by the applicant adjacent to the western and southern boundaries.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located to the rear of properties on Middleton Road. It falls within an area that has been designated as Other Protected Open Land (OPOL). The Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (DPD) indicates that OPOL is open land which, while not servicing the purposes of the Green Belt, is locally important because it helps preserve the distinctiveness of an area. As well as providing attractive settings, it provides other benefits, such as informal recreation and habitats for biodiversity.
5. DPD Policy 22 indicates that development on OPOL will be permitted where it is appropriate, small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact.

6. The appeal site is in an elevated position above lower lying pastoral land within the OPOL that extends between housing areas. The slope between the site and the lower lying land is well treed.
7. The appellant has submitted a Landscape Visual Impact Assessment (LVIA) which assesses the landscape and visual effects of the development. The photographs included within the LVIA show that only glimpses of the containers within the site are possible from Ferney Field Road and the footpaths close by at a time when the trees are without leaves. On my site visit, when the trees were starting to develop leaves, I observed that the containers were barely visible in such views.
8. Therefore, based on my site visit observations, I agree with the conclusions reached that the visibility of the site is limited from medium to long distance vantage points due to intervening vegetation and topography. Consequently, the character, appearance and openness of the OPOL is not materially affected in such views.
9. The development is, however, very apparent in close views from the rear of adjoining dwellings on Middleton Road. I acknowledge that the site does not currently contain any landscape features that contributes to the character of the OPOL and does not have a recreational function as it is not publicly accessible land. Nonetheless the site contributes to the openness of the OPOL as experienced by the occupants of neighbouring dwellings.
10. I note that the site is to some extent separate from the rest of the OPOL due to its elevated position and appearance and it has a physical relationship with the development on Middleton Road. Nonetheless, I disagree with the finding of the LVIA that it does not perform a role within the wider OPOL designation. It provides a transition from the built-up area on Middleton Road outside of the OPOL, and the treed slope and the pastoral land beyond. The housing along Middleton Road provides a backdrop to the site, assisting in its assimilation into the OPOL in the medium to long distance views I have referred to above. The site, however, does not benefit from a backdrop of built form when viewed from the rear of the Middleton Road properties. It therefore appears incongruous within the foreground and harmful to views of the wider OPOL.
11. The cumulative impact of the shipping containers within the site, together with the retained garages, materially and adversely affects the openness and appearance of the OPOL for the occupants of the adjoining dwellings. Furthermore, any external storage within the site would further reduce the openness. Given the proximity of the site, the development unacceptably diminishes the enjoyment of the attractive setting provided by the OPOL for the occupants of such properties. Whilst this is a localised impact it, nonetheless, undermines the role of the OPOL.
12. The proposed tree planting would provide landscape enhancements. However, as no tree planting is offered along the site boundary closest to the adjoining properties, such landscaping works would not address the harm to the occupants that I have identified. Even if this boundary were to be planted with trees it would take a considerable period to mature and effectively screen the development.
13. Restrictions on open storage within the site would reduce the visual impact. However, on the information currently available I do not consider that it would

be possible to devise a condition that would appropriately secure such restrictions whilst also meeting the appellant's requirements for the personal use of the site. Moreover, harm still arises from the containers regardless of whether there is external storage.

14. I have had regard to the appellant's description of the site prior to the erection of the security fence. However, no compelling evidence has been advanced to suggest that the large number of vehicles previously stored on the site, or the vandalism, criminal, and anti-social activity that took place, would return. Therefore, there is no basis to conclude that the granting of planning permission would be less harmful, and therefore preferable to what would arise should planning permission be withheld.
15. Accordingly, the development has a harmful and unacceptable effect on the character and appearance of the area. As such, it is contrary to DPD Policies 9 and 20 which seek, amongst other matters, to ensure development does not have a significant, adverse impact on the visual amenity of the surrounding area. Furthermore, it is contrary to DPD Policy 22 which seeks to protect open land and ensure development does not affect the openness, local distinctiveness or visual amenity of the OPOL.

Other Matters

16. The appellant has raised concerns with the Council's handling of the planning application, however that is not relevant to my findings on the planning merits of the scheme.

Conclusion

17. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
18. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR