



Appeal Decision

Site visit made on 12 April 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2023

Appeal Ref: APP/P4225/W/22/3312630

King William IV Hotel, Higher Shore Road, Littleborough, Rochdale OL15 9LW

- 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 G Duckworth against the decision of Rochdale Borough Council.
 - The application Ref 22/00344/FUL, dated 14 March 2022, was refused by notice dated 10 June 2022.
 - The development proposed is described as 'retention and alteration of existing structure to form storage facility for existing pub (resubmission of 21/00770/FUL)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. The application for the proposal was submitted retrospectively. At the time of my site visit a development as shown on the appeal plans was partially complete and included temporary corrugated sheeting wall and roof materials. For the avoidance of doubt, I have proceeded to determine the appeal on the basis of the plans as submitted with the planning application and upon which the Council made their decision.
4. The appeal building is associated with the adjacent King William IV public house (PH). The Council's officer report states that the PH was designated as an Asset of Community Value on 16 January 2018. It is noted that the designation expired on 15 January 2023.

Main Issue

5. The main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
 - If 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 in the Green Belt

6. The appeal building is in the Green Belt and comprises a detached structure adjacent to a parking area on the edge of a rural village. It is associated with the PH on the opposite side of the road and would be used to store various items belonging to the PH over two floors of accommodation.
7. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.' Policy G4 of the Rochdale Core Strategy (RCS) (October 2016) states that the Pennine rural fringe Green Belt to the north and east of the borough will be protected from development where its primary role will be to prevent encroachment into the countryside and national Green Belt policy will be applied.
8. Paragraph 149 of the Framework establishes that new buildings within the Green Belt are inappropriate development subject to a number of exceptions. Of those exceptions, the appellant draws my attention to paragraphs 149 c), d), e) and g). These relate to extensions or alterations to a building; the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages; and, limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, respectively. I will consider each of these in turn.

The extension or alteration of a building (exception 149c)

9. The Framework notes that the original building is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Some photographic evidence has been provided to show the building as it may have originally existed, although this is undated, and no exact measurements have been provided. However, from the evidence presented and my own observations whilst on my site visit, it is clear that some of the original building remains and the proposal would be an extension and alteration of the building.
10. Paragraph 149 c) of the Framework affirms that the extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
11. What constitutes a 'disproportionate addition' is not defined in the local plan or the Framework. The appellant suggests there is a general rule of thumb that anything less than 33.3% would be proportionate for planning purposes. The Council assert this figure 'flexes' depending on a given set of circumstances. However, my attention has not been drawn to any specific guidance or figure on this matter.
12. The Council has set out tables of comparison between the heights and volumes of the estimated original building and the proposed building. I have not taken into consideration figures relating to the building in its current form, as this is not the proposal before me. The appellant has provided several volumetric measures, depending upon what is taken to be the original building. Upon review of the submitted evidence, an increase in volume of between 25% and 45% and an increase in height of approximately 1.5m is proposed.

13. Regardless of whether the appellant's or the Council's figures are used, disproportionate additions are not solely based upon a mathematical calculation of volume. Rather, it is a matter of planning judgement on the basis of the scheme and its context. In this respect, due to the design of the roof, the height of the building would significantly increase. Although the eaves height of the proposed building would be similar to that indicated as the original, the additional height would add to the vertical emphasis of the building. When considered in the context of the previous relatively discreet low building, and even if the lower volumetric figure of 25% was taken, the proposal would appear as a disproportionate addition.
14. I acknowledge the height of the building has been lowered from that originally submitted and the use of natural stone and minimal openings would retain the building's rural appearance. Nonetheless, when the addition and original building are considered in conjunction, the proposal would appear disproportionate. The appellant asserts the overall volume of the building could be reduced by creating a partial flat roof. However, that is not the proposal before me.
15. For the above reasons, I find the proposal would not meet the exception criteria in paragraph 149 c) of the Framework.

The replacement of a building (exception 149d)

16. The appellant's statement refers to consideration of the alternative paragraph 149 d) exception should the proposal be deemed to be a replacement building. However, the appellant subsequently accepts that the exception in paragraph 149 c) is more relevant and on the evidence provided, I agree. Even if the proposed works were considered to be tantamount to a new building, as I have found the proposal would be a disproportionate addition over the size of the original building, the proposal would not meet the exception in paragraph 149 d) of the Framework.

Infill in a village (exception 149e)

17. There is no dispute between the parties that Shore is a village. From my observations on site, I consider the appeal site to be located on the edge of the built-up area of the village and closely related to it. The projecting single storey extension at 3 Shore Road lies directly opposite the site and properties line both sides of Shore Fold to the east. While the appeal site may be at the transition between the village and open countryside beyond, irrespective of where any settlement boundary may be drawn, when viewed on the ground and having regard to the proximity of other buildings, I consider the site is located within the confines of the village.
18. In the absence of a definition of 'limited infilling' in the Framework or in the context of a Green Belt policy of the development plan, what constitutes limited infilling falls to be a matter of judgement, having regard to the particular context of a site.
19. I note that the development of other buildings along Shore Road and Shore Fold is relatively continuous. However, the appeal site is separated from the property to the east by a public footpath and a small area of open land. There is extensive open countryside to the west and south. Although the small PH car park is immediately adjacent to the appeal building, the site is not surrounded

or enclosed by built form. As such, I do not consider the development to represent infill development within the village.

20. Furthermore, as I have concluded the proposal would be a disproportionate addition to the original building, the proposal would not be considered 'limited'. Accordingly, I do not consider that the proposal would represent 'limited infilling' as envisaged in paragraph 149 e) of the Framework.
21. My attention has been drawn to a recent allowed appeal decision¹ where a proposal was found to be limited infilling in a village. Limited information has been provided to make a robust comparison between the cases. However, I note the Inspector, in her decision, stated "The appeal site is surrounded by buildings, albeit in a very loose arrangement". This is not comparable to the appeal site before me, which has no buildings, even in a loose arrangement, to the south or west. Therefore, the example given is materially different to the appeal scheme. In any event, the circumstances in each proposal are likely to be different and the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I am required to reach conclusions based on the individual circumstances of this appeal.
22. Taking all of those factors together, although the site is in a village, I conclude that the development would not constitute limited infilling. Therefore, it would not meet the exception criteria in paragraph 149 e) of the Framework.

Redevelopment of PDL which does not have a greater impact on openness (exception 149g)

23. There is no dispute between the main parties that the site is PDL. In terms of openness, the Framework indicates that openness is an essential characteristic of the Green Belt and has a spatial as well as a visual dimension.
24. The evidence indicates, and as illustrated on the plans, that the proposed addition to the building would be constructed off the footprint and lower walls of the original building using traditional materials. There would be no outward spread of built form and in this regard, the proposal would remain relatively discrete. I also recognise, due to the topography of the site, that the original building is set into the hillside to create a partially subterranean structure, which to some extent, would reduce the impact of the increased size of the proposal. Furthermore, the proximity to other surrounding built development on the edge of the settlement and partial screening by vegetation also diminishes the building's visual effect.
25. Nevertheless, the proposal would be clearly visible from Higher Shore Road and the public footpath alongside the building and when viewed from the south across the valley where the additional built form would be more conspicuous than the original low-level building. Consequently, the increased height would result in a moderate loss of spatial and visual openness. The proposal would therefore have a greater impact on the openness of the Green Belt than the existing development and it would not assist in the Green Belt purpose of safeguarding the countryside from encroachment. While it would be the redevelopment of PDL, it would not meet the test in Paragraph 149 g) of the Framework.

¹ APP/W4223/W/19/3227776

Summary on paragraph 149 of the Framework

26. The proposed development would result in disproportionate additions over and above the size of the original building. Whilst the proposal would be in the same use, it would be materially larger than the building it would replace. Although the site is in a village, the development would not constitute limited infilling and even though the proposal would be redevelopment of PDL, it would have a greater impact on the openness of the Green Belt than the existing development.
27. Consequently, as the proposal would not meet any of the listed exceptions in Framework paragraph 149, it would be inappropriate development in the Green Belt. It would conflict with Policy G4 of the RCS and guidance in the Framework that, together, aim to protect the Green Belt.

Other considerations

28. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt. 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. There are several other considerations that have the potential to weigh in favour of or against the appeal scheme.
29. The appellant asserts that the building is of heritage importance and contributes to the historic townscape. However, the building is not within a conservation area, nor is it a designated or non-designated asset. Furthermore, little remains of the original building other than walls. No compelling evidence has been provided to persuade me that the building itself is of historic importance. Nevertheless, the Council confirm that the adjacent public right of way incorporates a stone wall in the eastern elevation of the building which follows the contour of the path and the topography of the land and has some historic value. The proposal would result in a partial re-build and stabilising of the wall, thus retaining the historic context of the building which I afford moderate weight. Additionally, while the proposed building would be of similar character and appearance to nearby traditional properties, it would not carry any particular architectural or historic significance, and as such this consideration carries limited weight in the balance.
30. The appeal proposal has scope to provide economic benefits through the ability for the business to operate more efficiently. Additional storage space would be provided for use by the business, of which the existing PH has little. This would allow for growth to provide space for equipment, logs and space to carry out repairs. The appellant suggests the proposal would amount to an estimated saving of £5,000 per year, which would assist in the viability of the PH. I recognise the trading difficulties of businesses and that the existing PH supports several full and part time jobs. Paragraph 84 of the Framework also lends support for the retention and development of accessible local services such as public houses.
31. I note that a petition of support for the appeal scheme was submitted with the application. I acknowledge the importance of the PH to the local community and the wider tourism industry. It is accessible by sustainable methods of

transport and would appear to be an established part of the village. In this regard, I consider that the strength of community support, its contribution to rural tourism, and the needs of the appellant to maintain a viable business are benefits attracting significant positive weight in favour of the development.

32. However, the ongoing viability and economic benefits of the proposal have not been robustly quantified by the appellant. Furthermore, there is no substantive evidence to suggest why, in the face of harm to the Green Belt, the future viability of the business would be affected to a harmful extent or that the required storage space could not be provided in a lower building or elsewhere.
33. The appellant asserts that, should the appeal fail, the building would revert to the dilapidated form and size that it was originally. Be that as it may, I consider this to carry neutral weight in the balance and it would not justify the proposed 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

34. I have identified that the development is inappropriate development in the Green Belt as defined by the Framework. I have also found a moderate reduction of spatial and visual openness which harms the Green Belt. In accordance with the Framework, I afford this Green Belt harm substantial weight. Having carefully examined the other considerations advanced in support of the appeal, I find, on the evidence provided in this case, that they do not clearly outweigh the harm I have identified.
35. Consequently, the very special circumstances necessary to justify the proposal do not exist, thus it would fail to accord with the Green Belt aims set out in Policy G4 of the RCS and the Framework.

Other Matters

36. I note the appellant's disappointment with the Council in respect of the lack of dialogue during and after determination of the planning application. However, this has had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

Conclusion

37. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR