



Appeal Decision

Site visit made on 4 July 2023

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

an Inspector appointed by the Secretary of State

Decision date: 19th July 2023

Appeal Ref: APP/W4223/W/23/3317049

4 Bunkers, Tunstead Lane, Greenfield, Oldham OL3 7NY

- 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 and Mrs M Bradbury against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/350283/22, dated 12 December 2022, was refused by notice dated 7 February 2023.
 - The development proposed is the conversion of outbuilding to residential dwelling with alterations to windows and doors, formation of residential curtilage and single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of outbuilding to residential dwelling with alterations to windows and doors, formation of residential curtilage and single storey extension at 4 Bunkers, Tunstead Lane, Oldham, Greenfield OL3 7NY in accordance with the terms of the application, FUL/350283/22, dated 12 December 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans;
Proposed plans drawing number 917-22-02 Rev A
Landscape and Ecological Enhancement Plan drawing number 01-22-LA01P.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used on the existing building.
 - 4) All planting, seeding or turfing comprised in the Landscape and Ecological Enhancement Plan drawing number 01-22-LA01P, shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
 - 5) 1 bat box shall be installed within the appeal site in accordance with the details contained within the Ecological Enhancements Document dated 9 December 2022, prior to the first occupation of the dwelling hereby permitted. The bat box shall be retained thereafter.

Procedural Matters

2. The Council has advised that planning permission was granted on the 17 July 2023 for the conversion of the outbuilding to a dwelling with a single storey side extension¹. Despite being notified late in the process of this appeal I have accepted the information, given that it could not have been provided sooner. I have taken into account the comments of the Appellant in doing so.
3. The Council confirms that although the appeal building was built without planning permission, due to the passage of time it is immune from enforcement action. The parties agree that the outbuilding in situ is the 'original building' for the purposes of Paragraph 149c of the National Planning Policy Framework (the Framework). I have determined the appeal accordingly.
4. An extant planning permission exists for the conversion of the outbuilding to a dwelling, with external changes to windows and doors and the formation of a domestic curtilage and parking area². The Appellant advises that all pre-commencement conditions have been discharged and work has started on the conversion, such that it forms a realistic prospect of a fallback permission. The main matter in dispute is therefore the acceptability of the proposed single storey extension and I will contain my assessment to this aspect of the proposed development.
5. The address in the banner heading above is taken from the planning application form, with the village and town inverted in the correct order.

Main Issues

6. The main issues of this appeal 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 character and appearance of the area;
 - If the development is inappropriate, 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

Inappropriate Development

7. The appeal site is located within the Green Belt. The Oldham Local Development Framework; Development Plan Document – Joint Core Strategy and Development Management Policies 2011 (DPD) at Policy 22, gives priority to the protection of the Green Belt, supporting new development where it accords with national Green Belt planning policies.
8. 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 within the Green Belt. The extension or alteration of a building provided that it does not result in disproportionate additions over

¹ Planning application reference FUL/351025/23.

² Planning application reference FUL/346217/22.

and above the size of the original building, is one of the exceptions and upon which the Appellants' case relies (paragraph 149c).

9. Policy 22 of the DPD does not define a way of assessing and measuring proportionality. Likewise, the Framework does not provide a definition of 'disproportionate additions.' Nevertheless, it does refer to 'size' which in my view, can refer to volume, height, external dimensions, footprint, floorspace or visual perception. 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 taking into account such factors.
10. The Council considers that the proposed single storey extension would represent a sizeable and disproportionate addition to the existing outbuilding, but without qualification as to why this is considered to be the case. Any extension would inevitably add bulk. An assessment is therefore required as to whether such an addition would be acceptable in terms of the original building.
11. The Appellant has indicated that the proposal would result in a 32% increase in volume and a 25% increase in floor area. The width and depth of the proposed extension is modest, with the submitted plans indicating that the increased floor area of the proposed extension would be considerably less than half of the existing outbuilding. With no evidence to the contrary the Appellant's figures appear to be reasonable.
12. The proposed extension would project less than the depth of the original outbuilding and would be approximately half the width of the existing elevation. It would comprise noticeably less volume than the original outbuilding. Moreover, its reduced roof height and position to one side would ensure that it appears as a subordinate addition, where the scale of the original outbuilding would remain dominant. As such, having regard to the comparatively low volume and footprint of the proposed extension and my above reasoning, I am satisfied that it would not amount to a disproportionate addition over and above the size of the original outbuilding.
13. The proposal would not therefore be inappropriate development in the Green Belt and it would accord with paragraph 149c of the Framework and Policy 22 of the DPD. It follows that it would not be harmful to the openness of the Green Belt or the purposes of including land within it. A case for very special circumstances is not therefore required.

Character and Appearance

14. The appeal site is located in a rural setting where built form is sporadic amongst fields and small areas of woodland. Buildings typically have simple plan forms and architectural detailing, with a consistent use of local natural stone. The surrounding area therefore has a pleasant, bucolic quality. The outbuilding although modern, is constructed of stone with a simple form and appearance such that it contributes positively to the rural character of the area.
15. Currently the building faces towards the rear of the Bunkers dwellings, given its association as an ancillary outbuilding to 4 Bunkers. However, the proposed plans indicate that the outbuilding would be rearranged as part of the proposed conversion, with the main entrance door on the northern elevation leading into an internal hallway. In doing this, I acknowledge that the proposed extension would become a front extension.

16. The Council has suggested that the proposed extension fails to respond to the traditional character of the area. However, I observed that there are a variety of different styles of outbuildings and additions to buildings within the vicinity of the appeal site, including but not limited to wrap around gabled extensions to Morley Cottage, front porch additions to Higher Tunstead Cottages as well as an obviously contemporary extension to Bunkers Farm.
17. In my view, the proposed dual pitched gabled extension would be of an overall traditional design, finished in sympathetic materials that would integrate well with the simple form of the outbuilding. Although altered the building would retain a relatively simple footprint and form. Due to its modest proportions, reduced ridge height and location to one side of the front elevation, it would clearly read as a subordinate rather than dominant addition. The overall linear form of the original building would also remain apparent. Whilst the proposed alterations would render the building more akin to the appearance of a bungalow than a simple, rural outbuilding, there is no evidence before me to suggest that alterations could not be made to the existing outbuilding that would result in a similar outcome.
18. Although sited near to the public right of way that runs along the vehicular access track, the proposed extension would not be highly visible from this vantage point as suggested. It would be set down below the level of the access track, with mature tree and shrub planting along the eastern boundary that would prevent views other than those at very close quarters. The plans indicate that some of the existing vegetation would be selectively removed and replaced with native species planting. Whilst this may open-up the visibility of the proposed extension, it would still only really be appreciable in very localised views close to the appeal site, where it would be seen in the context of the larger outbuilding. In any wider views the proposed development would be seen as a smaller part of the cluster of buildings at Bunkers.
19. The proposed development would not adversely affect the character and appearance of the area. It would therefore comply with Policy 20 of the DPD which seeks amongst other things to encourage good design that is of an appropriate scale, sensitive to its context. It would also comply with paragraph 130 of the Framework which requires high quality development that responds to and reflects the identity of the surroundings.

Other Matters

20. The appeal site is located near to the Grade II listed former weavers' cottages of 2 and 4 Bunkers, as well as the Grade II listed Bunkers Farm. Whilst the Council has not identified any harm to the setting of the nearby listed buildings in its reasons for refusal, Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), require decision-makers to have special regard to the setting of a listed building(s). The Framework also requires consideration of the effect of development on the setting of a heritage asset(s). The special interest of a heritage asset derives not only from its physical presence and historic fabric, but also from its setting which comprises the surroundings in which it is experienced.
21. Bunkers Farm is located at a higher land level, visually and physically separated from the appeal site by a rear garden demarcated by a drystone wall with fence atop, as well as the intervening access track. The contribution of the

appeal site to the significance of this Grade II listed building is therefore limited.

22. The setting to the listed buildings of No's 2 and 4 includes the open spaces around them, such as their enclosed front gardens and the raised rear gardens. The maturely planted rear garden to No 4 forms an intervening feature between the appeal site and No 2, such that the proposed development would not affect the setting of this listed building. The relationship of the existing outbuilding to No 2 would not change as a result of the proposed conversion to a dwelling for which there are 2 extant permissions³, with the proposed extension being located on the opposite side away from the listed building. The proposed development would therefore preserve the setting of the Grade II listed buildings in accordance with the requirements of s16(2) and s66(1) of the Act.
23. Planning permission has very recently been granted for the conversion of the outbuilding to a dwelling including the erection of a single storey side extension⁴ that the Council considers to be more appropriate than the proposed development. Be that as it may, I have come to my own judgement in respect of the specific proposal and evidence before me and my observations, for the reasons given above.

Conditions

24. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and paragraph 56 of the Framework. Along with the standard time limit, conditions are imposed to require the use of matching materials in the interests of consistency of appearance, and to list the plans in the interests of certainty.
25. A further condition was suggested by the Council requiring the submission of a landscape and ecological enhancement plan prior to the commencement of development. The Planning Practice Guide is clear that such conditions should only be used where there is a clear justification. A landscaping and ecological plan was submitted at the time of the application and I am advised accepted by the Council. With no evidence to the contrary, it would seem unduly onerous to require the Appellant to submit the information again when it is before me. With the parties agreement, I have attached 2 conditions requiring the development to be carried out in accordance with the landscaping and enhancement proposals within the first planting season and prior to the occupation of the dwelling, as appropriate.

Conclusion

26. For the reasons identified above, there are no conflicts with the development plan or, the approach in the Framework. The appeal is allowed.

M Clowes

INSPECTOR

³ Planning application FUL/346217/22 and Planning application FUL/351025/23.

⁴ Planning application FUL/351025/23.