



Appeal Decision

Site visit made on 27 June 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/U4230/W/22/3313771

Woolden View Farm, Moss Road, Cadishead, Irlam M44 5JT

- 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 M Downey against the decision of Salford City Council.
 - The application Ref 21/79003/FUL, dated 16 December 2021, was refused by notice dated 18 November 2022.
 - The development proposed is the demolition of the existing dwelling and existing barn and erection of 2no. dwellings with associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M Downey against Salford City Council and is the subject of a separate decision.

Preliminary Matters

3. The adoption of the Salford Local Plan: Development Management Policies and Designations 2023 (SLP) supersedes the policies cited in the Council's decision notice. I am satisfied that the parties have had the opportunity to present their cases in respect of this change and I have determined the appeal within this new policy context.
4. The Council's reasons for refusal relate to the acceptability of proposed development of the Plot 2. However, the appeal proposal comprises a single scheme within the Green Belt. I have considered the appeal accordingly.

Main Issues

5. The main issues are:
 - Whether the appeal 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 of the appeal proposal on the openness of the Green Belt;
 - The effect of the appeal proposal on the character and appearance of the area; and
 - Whether any 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 appeal proposal.

Reasons

Site Context

6. The appeal site comprises a detached single-storey dwelling located towards the front of the site, behind mature hedgerow. The dwelling is currently vacant. To the rear of the site, is a detached barn style building and a small number of storage containers. The appeal site is wholly within designated Green Belt.
7. The proposed development would involve the redevelopment of the site to create two new dwellings. Plot 1 would comprise a single storey replacement dwelling with accommodation in the roof space. This would be located on broadly the same footprint as the existing property. Plot 2 would be located further back within the site and would comprise a two-storey dwelling, which would be orientated at a 90-degree angle to Plot 1. Both dwellings would be constructed out of brick and wood cladding. The access would be taken from Moss Road, as existing, and 3 parking spaces, with turning capacity, would be provided for each plot.

Whether Inappropriate Development

8. Policy GB1 of SLP states that the Green Belt, as defined on the Policies Map will be afforded strong protection in accordance with national policy. Paragraph 137 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
9. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless it is an exception made by Paragraph 149 or 150 of the Framework.
10. The appeal proposal relates to the replacement of existing buildings within the designated Green Belt. My determination therefore relies upon whether the appeal proposal falls within the scope of any of the Framework's exceptions for development in the Green Belt.
11. Paragraph 149(d) of the Framework relates to the replacement of an existing building, within the same use, which is not materially larger than the one it replaces. In relation to Plot 1, the proposed dwelling would be sited on a similar footprint to the existing dwelling and garage, be of the same use and would not be materially larger in terms of its height, width, and depth and volume. Consequently, there is no reason to disagree with the common ground between the parties that Plot 1 falls within the scope of that particular exception.
12. The proposed development would also result in the replacement of an existing outbuilding and storage containers currently occupying Plot 2 with a two-storey dwelling. I observed that the existing building was designed for agricultural purposes. The evidence that has been submitted with this appeal and my own site observations do not indicate that beyond reasonable doubt the building has, with the passage of time, assumed a lawful residential use. However, being based on the evidence currently available to me, this finding does not preclude the applicant from seeking a determination under Section 191 of the Act should further evidence become available.

13. As such, the resulting building would not fall within the same use as the existing which it would replace. Furthermore, in the context of the exception set out in Paragraph 149(g), Annex 2 of the Framework provides a definition of previously developed land (PDL), which specifically excludes land that is or was lastly occupied by agricultural buildings.
14. Consequently, I conclude that it has not been clearly demonstrated that the appeal proposal would represent any of the exceptions set out in either Paragraph 149 or Paragraph 150 of the Framework. As such, the appeal scheme constitutes inappropriate development in the Green Belt, for which very special circumstances would need to be clearly demonstrated to be justified.

Openness

15. The fundamental aim of Green Belt policy as set out in Paragraph 137 of the Framework is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects.
16. The surrounding landscape is relatively flat and open, disrupted only occasionally by small clusters of buildings, typically forming a dwelling and some barns or outbuildings which are closely related in their form. The appeal site exhibits this character as the existing buildings form a reasonably compact and defined layout within the wider site, which allows for open views across it and the surrounding open countryside.
17. The appellant states that the positioning of Plot 2 is to provide a greater level of mutual privacy for the occupants of each plot. The proposed development would involve the removal of existing storage containers which would be a benefit, to which I attribute limited favourable weight.
18. However, the proposed development of Plot 2 in the manner proposed would reduce the open areas which currently exist between that existing building and the rear boundary of the appeal site. Whilst this would not represent a substantial increase in the amount of built development, crucially, nonetheless it would extend the extent of built development beyond the existing built footprint and result in a greater volume. This would be a significant negative change in terms of the existing spatial and visual openness of the Green Belt.
19. Furthermore, the proposed intensification of use of the site in the manner proposed would result in expanding the parts of the site used as formal garden and parking and intensify the domestic activity that could be reasonably expected to arise as a consequence. This would further reduce openness in both visual and spatial terms in this particular instance.
20. For the reasons given, I find that the appeal proposal would reduce and therefore cause harm to the openness of the Green Belt in both visual and spatial terms.
21. Significantly, Paragraph 148 of the Framework states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Character and Appearance

22. Although occupying a prominent position opposite the junction with Woollen Road, the appeal site is set behind mature hedgerow and planting which defines the site's front boundary. The surrounding area exhibits a rural character, comprising a dispersed pattern of modest dwellings and associated buildings. The clusters of buildings are typically associated with farms or small holdings with the dwellings located in closer proximity to road, with barns or other outbuildings located to the rear. The buildings vary in terms of their age, orientation, position within their respective plots and general vernacular. However, there is some general consistency in the palette of materials, with the use of brick being commonplace. The existing dwelling and outbuilding are in keeping with surrounding development which is of a similar type and appearance.
23. The application was supported by a Landscape and Visual Impact Assessment (LVIA), which concludes that the proposed development would result in an improved and rationalised arrangement. The existing built development has a presence within the Green Belt and the proposed development would secure the removal of an existing building and storage containers which would lead to some improvement to the character and appearance of the area.
24. The proposed domestic appearance of the dwelling on Plot 1 at the front of the site would be in keeping with the character and appearance of the area. However, by contrast, the design of Plot 2, along with formalisation of further land as private garden would significantly intensify the domestic character and appearance of the appeal site as a whole. The proposed orientation of the building on Plot 2 would open up views into the proposed garden area which would exacerbate the visual effect of that change. Overall, the changes associated with Plot 2 would be of a magnitude which would undermine and erode the existing important and locally distinct rural character and appearance of this particular countryside context.
25. For these reasons, overall the appeal proposal would cause moderate harm to the character and appearance of the area. Accordingly, I conclude that the proposed development would be contrary to Policies D1 and D2 of the SLP which require, amongst other things, development to be of a high-quality design that protects, enhances, and responds to any positive character and local distinctiveness of the local area.
26. It would also be contrary to Paragraph 130 of the Framework which requires development to be sympathetic to local character, including its landscape setting. This part of the Framework also states that developments should maintain a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places.

Other Considerations

27. The appeal proposal would result in one additional dwelling. Such a very small increase in the overall housing supply for the area attracts limited weight.
28. Despite support from a nearby resident, no other matters weighing in favour of the appeal proposal other than those already identified have been submitted to this appeal.

Green Belt Balance

29. The proposed development would be inappropriate development in the Green Belt which in line with Paragraph 147 of the Framework is harmful by definition. I have also found that the appeal proposal would reduce the openness of the Green Belt which also amounts to harm and carries substantial weight. It would also be harmful to the character and appearance of the area, to which I attach moderate weight. I have also found benefits would arise in terms of the removal of storage containers and the contribution to the area's housing supply, to which I attach limited weight respectively.
30. In accordance with Paragraph 148 of the Framework, very special circumstances do not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The demonstration of very special circumstances is therefore a very high policy requirement to satisfy. Crucially, the harm that I have found, by reason of inappropriateness, and other identified harms are not clearly outweighed by the other considerations, so as to amount to very special circumstances required to justify the appeal proposal.

Planning Balance

31. The main parties have not indicated that Paragraph 11(d) of the Framework is engaged and from the evidence before me there is no basis to find otherwise. I have attributed limited weight to the contribution the appeal proposal will make to the housing land supply and also the benefit of removing the storage containers.
32. Development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons given earlier, in this particular instance I have found that in the absence of very special circumstances being demonstrated, the appeal proposal is not justified and as such, it conflicts with Policy GB1 of the SLP. Furthermore, in view of the harm that I have found to openness and the character and appearance of the area there is also conflict with Policies D1 and D2 of the SLP.
33. Consequently, the appeal proposal conflicts with the development plan when read as a whole. There are no matters before me weighing in favour of the appeal proposal which outweigh that conflict with the development plan and indicate that a decision should be taken contrary to it.

Conclusion

34. For the reasons given, the appeal should be dismissed.

K Lancaster

INSPECTOR