



# Appeal Decision

Site visit made on 30 October 2023

**by Hannah Ellison BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 November 2023**

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**Appeal Ref: APP/G4240/W/23/3317768**

**Parsonage Fields Farm, The Mudd, Littlemoor Road, Mottram SK14 6JN**

- 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 J Coombes against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 22/00702/FUL, dated 30 June 2022, was refused by notice dated 19 January 2023.
  - The development proposed is the extension and sub-division of dwelling to create 2 no. dwellings.
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## Decision

1. The appeal is allowed and planning permission is granted for the extension and sub-division of dwelling to create 2 no. dwellings at Parsonage Fields Farm, The Mudd, Littlemoor Road, Mottram SK14 6JN in accordance with the terms of the application, Ref 22/00702/FUL, dated 30 June 2022, subject to the conditions in the attached schedule.

## Main Issue

2. 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.

## Reasons

3. This appeal concerns an existing residential dwelling sited adjacent to and associated with a working farm complex which is located within the Green Belt. The surrounding land is largely agricultural which slopes away to the west of the highway and rises up to the rear beyond the farm complex.
4. Policies OL1 and OL2 of the Tameside Unitary Development Plan Written Statement (November 2004) (the UDP) collectively aim to prevent inappropriate development in the Green Belt except in very special circumstances or where development meets a number of criteria.
5. Whilst UDP Policies OL1 and OL2 significantly predate the Framework which is the most up to date expression of Green Belt Policy, they are nevertheless broadly consistent with the aim of Green Belts which the Framework states is to prevent urban sprawl by keeping land permanently open.
6. The Council raises no concerns with regard to the loss of the existing building and the erection of the proposed extension. I find that this element of the proposal does not result in a disproportionate addition over and above the size of the original building.

7. However, the Council considers that the sub-division element of the proposed development fails to meet the exception at 150 d) of the Framework. This sets out that the re-use of buildings is not inappropriate in the Green Belt where the buildings are of permanent and substantial construction and provided that the re-use preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. This exception is reflected in criteria (a) and (d) of Policy OL2 of the UDP.
8. It is clear that the existing building, which is in use as a single dwelling, is of a permanent and substantial construction. Therefore, I now turn to the effect of the proposal on the openness and purposes of the Green Belt.
9. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.
10. The proposed plans indicate that a tight and discrete curtilage would be provided for each dwelling, particularly to the rear. This space would be limited and well enclosed as it is significantly restricted by the adjacent farm buildings and yard. The bin storage and shared cycle parking would also be sited to the rear in a visually enclosed location and screened. To the front and side, the external space would be as existing. The totality of the residential curtilages proposed for each dwelling would not exceed the existing extent of outdoor space at the existing property.
11. I acknowledge that two separate dwellings would generate individual activity, comings and goings and the introduction of various domestic paraphernalia dedicated to each property. However, the proposal would result in a very modest increase in living accommodation at the appeal site. Together with the above features, I consider that any additional activity and introduction of external features, including washing lines and furniture, would be very limited such that the visual domesticity of the site would not be significantly more intensive or greater than that which is currently experienced.
12. The previous approval<sup>1</sup> included two dedicated parking spaces for the existing dwelling. However, I observed that the existing driveway and areas of hardstanding, which leads to the adjacent farmyard and buildings, are extensive and can comfortably accommodate more than 2 vehicles.
13. Further, given the size of the existing dwelling, I consider it likely that more than 2 vehicles may often be parked at the appeal site. This proposal does not seek to extend the extent of hardstanding. I consider that any additional vehicles which may be present on site as a result of the proposal would be limited and would therefore be reflective of the existing arrangement.
14. All in all, the proposed development would not have a materially greater impact on the openness of the Green Belt than the existing residential use, thus openness would be preserved.
15. Paragraph 138 of the Framework sets out the five purposes of the Green Belt; of particular note is the purpose at paragraph 138 c). Given the restricted characteristics of the appeal site and the constrained arrangement of the

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<sup>1</sup> Council ref: 20/00865/FUL

proposed development, the proposal would not result in encroachment into the countryside.

16. Taking all the above factors into consideration, the proposed development would preserve the openness of the Green Belt and would not conflict with its purposes. It therefore accords with the aims of Policies OL1 and OL2 of the UDP as set out above, along with the Framework.

### **Conditions**

17. The Council provided a list of conditions it considered should be attached if planning permission were to be granted. For clarity and precision, and to ensure compliance with the Planning Practice Guidance, I have undertaken some minor editing of the suggested conditions.
18. Conditions specifying the time limit and approved plans are required for completeness and to ensure certainty for all parties. A condition specifying the materials to match the existing property is necessary in the interests of character and appearance.
19. A condition requiring the provision and retention of car parking spaces is necessary in the interests of highway safety. I have however amended the Council's suggested condition as the hardstanding is already in place.
20. The Council recommended a condition which required the submission of details of ground conditions, however it has not provided a clear reason for this and there is nothing before me to suggest there are any concerns in this respect. I have however amended this condition to ensure that any contamination which may be found during construction could be appropriately addressed.
21. I have not removed the permitted development rights for small-scale domestic additions and alterations as suggested by the Council as permitted development rights for such development which would otherwise not require an application for planning permission have not been withdrawn in the Green Belt and the Council has not provided clear justification to do so in this case.
22. Given the limitations of the appeal site, namely the curtilage of the dwelling hereby approved, I consider that sizeable extensions and other alterations, which would exceed the disproportionate test in the Framework, would not result. As such, this condition is not reasonable and is not necessary.
23. I have amended the condition regarding cycle storage as the submission of further details is not necessary as the location is shown on the approved plans and I consider this would be adequately secure. The provision and retention of the cycle storage is necessary in the interests of encouraging sustainable modes of transport.

### **Conclusion**

24. For the above reasons, the proposed development accords with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

*H Ellison*  
INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: Site Location Plan ref: CPL:A2357 1 June 2022; Layout Plan ref: A2357 A2 July 2022; and Proposed Elevations and Floor plans Drawing No. 44 F.
- 3) The external surfaces of the extension hereby approved shall match in colour and texture to the corresponding materials of the existing dwelling.
- 4) Prior to the first occupation of the development hereby approved, the car parking spaces to serve each dwellinghouse shall be laid out as shown on the approved plan: Layout Plan ref A2357 A2 July 2022, and shall be retained free from obstruction for their intended use thereafter.
- 5) Prior to the first occupation of the development hereby approved, the cycle storage area shown on the approved plan: Layout Plan ref A2357 A2 July 2022, shall be made available for use and shall be retained for its intended use thereafter.
- 6) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

### **End of schedule**