



Appeal Decision

Site visit made on 9 January 2024

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/W4223/D/23/3331384

The Barn, Ladcastle Road, Uppermill, Oldham, OL3 6LT

- 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 Tetlow against the decision of Oldham Metropolitan Borough Council.
 - The application Ref HOU/351471/23, dated 7 August 2023, was refused by notice dated 9 October 2023.
 - The development proposed is the erection of three garages, a stable and tack room.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of three garages, a stable and tack room at The Barn, Ladcastle Road, Uppermill, Oldham, OL3 6LT, in accordance with the terms of the application, Reference: HOU/351471/23, dated 7 August 2023, 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: Site Plan; Drawing No 43 (Existing Layout Plan); Drawing 43'B' (Proposed Layout Plan)
 - 3) The materials to be used in the construction of the external surfaces of the walls of the building hereby permitted shall match those used in the existing dwelling.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development within the Green Belt, including the effect on the openness of the Green Belt.
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

3. The appeal site is a residential property having a large area of land associated with it. It is sited on a steeply sloping hillside. In the immediate vicinity of the dwelling is a relatively flat area of land used for parking and storage of small

vehicles, materials and other equipment, including an industrial container that appears to be in poor structural condition. The container, and an area of open storage next to it, is on land apparently excavated out of the adjacent hillside. The proposed development would involve the removal of the container and the construction of a larger building consisting of 3 garages, a stable and a tack room. This would be built further into the hillside and would be constructed out of stone with a flat roof. The flat roof would be grass-covered. Each unit would have timber doors.

4. Policy 22 of the Council's Joint Core Strategy and Development Management Policies Document (CSDMP) states that development in the Green Belt will be permitted provided that it does not conflict with national policies on Green Belt. Although the plan was adopted in 2011, prior to the publication of the current version of the National Planning Policy Framework (NPPF), it refers to and maintains national policy and stresses that the main purpose of the Green Belt is to keep land permanently open.

Would the proposal represent inappropriate development in the Green Belt?

5. Paragraphs 152 to 155 of the NPPF indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It notes that the construction of new buildings should be regarded as inappropriate in the Green Belt, with certain exceptions, as listed in Paragraph 154. The construction of the proposed building would not fall within any of the exceptions listed and would therefore be inappropriate in the Green Belt.

The effect on openness of the Green Belt

6. In view of the condition of the existing container, I do not agree with the Council that the proposed building would result in visual harm to the Green Belt. However, the proposed building would be materially larger than the existing container. This material increase in size would not preserve the openness of the Green Belt, and would cause limited spatial harm to it. I therefore find that the proposed development would be inappropriate development in the Green Belt, and that the harm to the Green Belt must be given substantial weight.

Is there any other harm?

7. Paragraph 153 of the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The Council has not raised any issues of other harm that might be caused by the proposed development, and I concur with that perspective. It is therefore necessary to consider whether the harm to the openness of the Green Belt is clearly outweighed by other considerations.

Other considerations

8. Currently the container on site is only visible from Ladcastle Road, 50 metres further up the hill, from where the roof is clearly seen. The proposal would involve the removal of the container, and the new building would be set around 2 metres further back into the hillside with a flat, grass covered roof. I consider that this would represent a significant improvement to the character and appearance of the surrounding area. The flat area of land around the dwelling

is currently used for open storage. It would appear that some of the equipment and materials stored here could, instead, be kept in secure garages which would result in a less cluttered and more open appearance to the area.

9. In the light of the above, I find that the proposed development would have a significant beneficial effect on the character and appearance of the surrounding area, and I give this benefit substantial weight in my decision.

Do other considerations clearly outweigh harm?

10. The harm to openness of the Green Belt that would be caused by the proposal, is of a spatial, volumetric nature, albeit limited in scale. The Council acknowledges that this would not be overly significant. In my opinion, the significant beneficial effect on the character and appearance of the surrounding area resulting from the proposal, would clearly outweigh the limited spatial harm. On this basis, very special circumstances exist to justify the proposed development.

Conclusion

11. The proposal would be inappropriate development in the Green Belt, and the resultant harm to the openness of the Green Belt must be given substantial weight. The harm is spatial and of limited significance. The beneficial effect on the character and appearance of the surrounding area resulting from the development would clearly outweigh the harm to the Green Belt. There would, on this basis, be very special circumstances to justify the proposal, and it would, therefore, not conflict with Policy 22 of the CSDMP or with policy in the NPPF. I therefore conclude that the appeal should be allowed.

Conditions

12. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the character and appearance of the area.

J D Westbrook

INSPECTOR