



Appeal Decision

Site visit made on 14 February 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2024

Appeal Ref: APP/W4223/W/23/3328393

Sunfield Stables, Diglea, Diggle, Oldham OL3 5LA

- 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 B Francis against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/351076/23, dated 31 May 2023, was refused by notice dated 27 July 2023.
 - The development proposed is Siting of 5 Glamping Pods in agricultural field, formation of access track and new septic tank.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

1. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework, including where relevant, the effect on openness.
 - ii. The effect of the proposed development upon water quality.
 - iii. Whether any harm by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site comprises a grassed field to the rear of Sunfield Stables, a Bed and Breakfast business to the eastern edge of the hamlet of Diglea. Land levels fall notably to the south, towards Diggle Brook. The field is bound to the east by a mature hedge, with partial hedging to the south also. The western boundary consists of post and wire fencing. Open fields adjoin the site to the east and west, with ponds to the south and further fields beyond. The site lies within the designated Green Belt.

4. Policy 22 of the Oldham Development Plan Document¹ (DPD), sets out that development proposals within the Green Belt will be assessed against national policy. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Certain buildings and other forms of development will not be inappropriate development, where they meet the exceptions set out in paragraphs 154 and 155 of the Framework.
5. There is no dispute between the main parties that the proposed glamping pods would be inappropriate development, which is, by definition harmful to the Green Belt. From the information before me, I have no reason to disagree. However, the appellant references that engineering operations which would preserve the openness of the Green Belt would not be inappropriate development.
6. The site sections show that engineering works would be necessary to create access to, and hardstanding's for the proposed pods. These physical works would cut into the profile of the land. They would not materially impact on the openness of the Green Belt, either spatially or visually.
7. However, these engineering works are only necessary to facilitate the proposed pods. While the pods are relatively modest in size and they would occupy only part of the field, they would occupy open land that is undeveloped and so they would have a spatial impact on the openness of the Green Belt, when presently there is none. The pods would be located adjacent to the hedge on the eastern boundary, with existing buildings forming a backdrop in some views. Nevertheless, from surrounding public footpaths, they would be highly visible on the rising valley side, and so they would visually reduce the openness of the Green Belt. Given the position on rising land, new hedgerow planting to the field boundaries would not fully screen this visual impact.
8. To conclude on this first main issue, the proposal constitutes inappropriate development, which is, by definition, harmful to the Green Belt. The proposal would spatially and visually reduce openness and it would contravene one of the purposes of the Green Belt, namely, to assist in safeguarding the countryside from encroachment.

Water Quality

9. The need to utilise non-mains drainage is not in dispute. As part of the appeal submission, the appellant has revised the foul drainage details from a septic tank to a package treatment plant to address concerns raised relating to discharge to ground or watercourse. No further response from the Environment Agency (EA) is available to confirm whether this would overcome their objection. However, a condition could be imposed to secure full details of the means of foul water disposal, while the capacity requirements and operation of a package treatment plant would be subject to other regulatory regimes (General Binding Rules or Environmental Permitting), which would allow the EA to monitor and enforce any effluent quality in the future.
10. On this basis, the proposed development would not harm water quality. Consequently, there would be no conflict with DPD Policy 19, which requires that new development does not adversely affect water quality. Further, the requirements of paragraph 180 of the Framework would be met insofar as it

¹ Oldham Local Development Framework, Development Plan Document – Joint Core Strategy and Development Management Policies, Adopted 2011.

requires that new development does not contribute to unacceptable levels of water pollution.

Other considerations

11. The appellant has set out that the appeal scheme would allow this existing rural tourism business to diversify, which in turn would increase tourist spending in the wider area. I note the information relating to the demand for accommodation at the host property itself, and the ability to cater for cyclists and horse riders. I have also considered the information relating to the level of accessibility between the site and local services and facilities in nearby villages by walking or cycling, including along the canal, or by public transport.
12. My attention is drawn to the DPD Vision, which indicates that the rural economy will be supported by tourism, while both local and national policies require decisions to enable the sustainable growth and expansion of all types of business in rural areas, including sustainable rural tourism which respects the character of the countryside.
13. Additionally, the proposed development includes hedgerow planting that would provide biodiversity enhancement. Overall, these benefits to the rural economy and local environment attract moderate weight in favour of the proposal.

Green Belt Balance

14. Whilst I have not identified any harm in relation to water quality, the appeal scheme is inappropriate development in the Green Belt, which is, by definition, harmful. I give this harm substantial weight as required by paragraph 153 of the Framework. The proposed development would impact spatially and visually on the openness of the Green Belt and it would contravene one of the purposes of the Green Belt, namely, to assist in safeguarding the countryside from encroachment.
15. I have considered the matters put before me in favour of the scheme. However, I conclude that these other considerations taken together do not clearly outweigh the substantial weight I have afforded to the Green Belt harm. Consequently, the very special circumstances necessary to justify the development do not exist. The development therefore conflicts with DPD Policy 22 and the Framework.
16. In undertaking this balance, I have had regard to two examples of tourist accommodation that the Council has supported elsewhere in the Green Belt, where it was recognised that these proposals would meet an identified need for holiday accommodation, which would outweigh any harm to the openness of the Green Belt.
17. Whilst the appellant states that there has been no material change in the provision of holiday accommodation within Saddleworth since these decisions, and so there remains a need for such accommodation, any substantive evidence on this matter relates only to the appellant's business and not the availability of tourist accommodation in the area more generally. Further, I cannot be certain that these other examples would have had the same or similar impacts on openness as the proposed scheme, particularly as one related to a former quarry, while the other related to redundant agricultural buildings. Therefore, I have considered the appeal scheme on its individual planning merits.

Other Matters

18. The site is close to the South Pennine Moors Special Area of Conservation (SAC) and the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA). The proposal would generate recreational impacts that either alone, or in combination with other proposals, has the potential to give rise to significant effects. However, as I have found harm in relation to the main issue of Green Belt, it is not necessary in this instance to undertake an appropriate assessment to consider the effect on these European sites.
19. The appeal site partly abuts the eastern edge of the Diglea Conservation Area (DCA). The DCA boundary contains the tightly arranged built form of this hamlet, comprising stone buildings of traditional appearance under slate roof coverings. The open and rural character of the field comprising the appeal site forms part of the countryside that surrounds this rural hamlet and contributes to its setting. Whilst views from within the DCA are often constrained by the built form, the appeal site would be seen in some views towards the DCA from surrounding public footpaths.
20. Whilst the appeal scheme would extend out into the rural setting of the DCA, the built form of the appeal scheme would be modest and well-spaced, whilst a large portion of the field would be retained along with existing hedgerows, as well as new hedgerow planting to boundaries. As such, the rural characteristics of the field would remain largely intact and the significance derived from the wider rural setting of Diglea would be conserved.
21. The information before me indicates that there are no listed buildings, scheduled ancient monuments or trees subject of preservation orders affected by the proposal. Noise sensitive properties do not appear to directly adjoin the area of the proposed pods, and the proposed plans indicate utilisation of an existing access, with the provision of 12 onsite parking spaces for up to 11 visitors. Whilst I note the representations from interested parties, the Council does not raise any concerns in relation to living conditions or highway safety and from the evidence before me, I have no reason to disagree. These are neutral matters that do not weigh for or against the appeal scheme.

Conclusion

22. The proposed development conflicts with the development plan when taken as a whole and there are no other material considerations worthy of sufficient weight to suggest the decision should be made other than in accordance with it. The appeal should therefore be dismissed.

S Brook

INSPECTOR