



Appeal Decision

Site visit made on 26 March 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/W4223/W/23/3330276

94 Lane Head Road, Oldham OL4 5RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bob Pearson against the decision of Oldham Council.
 - The application Ref is FUL/349936/22.
 - The development proposed is the redevelopment of garage for the provision of one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (Framework) was published in December 2023. The Council also adopted the Places for Everyone Joint Development Plan in March 2024. The main parties were provided with an opportunity to comment, and I have taken these into account in reaching my decision.

Main Issues

3. I consider the main issues are:
 - whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the Framework; and,
 - if the proposal is inappropriate development, 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

Whether inappropriate development

4. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
5. The Framework at paragraph 154 states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. This includes the exception set out

at paragraph 154 g) relating to the partial or complete redevelopment of previously developed land.

6. The appeal site is formed of an end-terrace property and a double garage, the latter of which would be replaced by a two-storey dwelling. It therefore comprises of previously developed land, but in order to meet the exception at paragraph 154 g), it is necessary for the development to not have a greater impact on the openness of the Green Belt than the existing development.
7. Although the proposal would be on the same footprint as the existing garage and would not protrude beyond the curtilage of the existing property, as a two-storey dwelling it would be noticeably taller than the existing structure it would replace and would result in a spatial loss of openness. The greater mass of the proposal, despite the changes in topography in the area and the screening provided by trees, would be clearly seen from Lane Head Road. As such, and contrary to the appellant's view, the proposal would result in a visual reduction in openness.
8. Reference has been made to the appeal site along with neighbouring properties already being developed, with there being a clear distinction between this built development and the open countryside beyond. Whilst the proposal would not conflict with the Green Belt purpose on safeguarding the countryside from encroachment, it would have a greater impact on the openness of the Green Belt than the existing development. Therefore, it would not meet the exception set out at paragraph 154 g) of the Framework.
9. Consequently, the proposal would be inappropriate development in the Green Belt, which the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. The proposal would also not comply with Policy 22 of the Joint Core Strategy and Development Management Policies Development Plan Document, which sets out, amongst other matters, that development will be permitted provided it does not conflict with national policies on Green Belt.

Other Considerations

10. The Council cannot demonstrate a five-year supply of housing and the proposal would contribute to the supply of housing in the rural area. The provision of a new dwelling therefore weighs in favour of the appeal, although as it involves a net additional single dwelling, this would attract limited positive weight.
11. Reference has been made by the appellant to a planning permission¹ at a nearby site, where the increase in the volume is said to be very similar to the appeal development. Limited details have however been provided of this and another referenced approval. In particular, it is not clear from the information available whether these other developments involved an increase in height. In any event, volume is not the only factor to consider in the assessment of the effect on openness and it is necessary to consider each development on its own merits which I have done so in this case.

¹ LPA Ref: FUL/347055/21

12. My attention has been drawn to an appeal decision² on another site. Although I appreciate that there are visual, as well as spatial aspects of openness, it is evident from the details presented that the referenced appeal turned on its own particular merits. It was considered against a different exception in the Framework relating to the provision of appropriate facilities and in relation to openness, whether it preserved it rather than not having a greater impact on it. I can confirm that I have dealt with this appeal based on the evidence before me.
13. I note the lack of objections from statutory consultees and that various matters including those relating to design, living conditions and highway safety did not form part of the Council's refusal. There would also be no conflict with the five purposes the Green Belt serves. These are however neutral matters that do not weigh in favour of the proposal.

Conclusion

14. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
15. I have attached limited weight in favour of the scheme to the provision of a net additional family dwelling in the rural area for the reasons set out. The other considerations raised, are neutral matters.
16. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR

² Appeal Ref: APP/P0240/W/23/3316421