



Appeal Decision

Site visit made on 23 April 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/W4223/W/23/3329244

Besom Hill Farm, Ripponden Road, Oldham OL4 2LA

- 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 Jenna Hunt against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is FUL/350806/23.
 - The development proposed is temporary change of use of land for the storage of demolition equipment and engineering works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From the evidence submitted, and from my site visit, the proposed development has commenced. I have, therefore, dealt with the appeal on a retrospective basis.
3. The site address in the banner above is taken from the application form. The Council has described the address as Besom Hill End Farm in the decision notice and I note that the appellant has used the same address in the appeal form. I have, therefore, taken the address to be Besom Hill End Farm.
4. Places for Everyone Joint Development Plan (PfE) was adopted on 21 March 2024 by nine Greater Manchester Authorities, including Oldham Metropolitan Borough Council. This appeal was received before the adoption of PfE and as such the policy, at that time was emerging policy. The Council has advised that PfE does not alter or replace any of the policies relied on in their evidence. I have, therefore, not considered PfE any further in my decision.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies and the effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on highway safety, with particular regard to the position of the access and the bus stop; 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 proposal.

Reasons

Whether inappropriate development and openness

6. Paragraph 155 of the Framework states that other forms of development, such as material changes in the use of land and engineering operations, are not inappropriate development in the Green Belt. This is on the proviso that they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Policy 22 of the Oldham Local Development Framework, Development Plan Document – Joint Core Strategy and Development Management Policies, adopted 2011 (DPD) reflects the Framework.
7. The appeal site comprises the host dwelling, Besom Hill End Farm, and a parcel of land around the dwelling which is part of the wider area of land within the appellant's ownership. The appeal proposal is for engineering works on the land around the dwelling, to create levelled areas, for the temporary storage of demolition equipment. Additional associated works include the creation of a new vehicular access and erection of a retaining structure, boundary fencing and gates.
8. I saw at my visit that the land around the appeal site is steeply sloping. The fields either side of the site, which join the road, slope away from the road. The appellant has created levelled areas by building up sections of the site and laying hardcore. Although I do not have the full detail of the land levels before the development commenced it was clear at my visit that engineering operations had been carried out to create the levelled areas. The appellant's evidence also confirms that the works include the creation of a level hard standing. These works form part of the appeal.
9. I also saw various pieces of demolition equipment, skips of varying sizes, stacks of fencing, vans and other vehicles and temporary buildings. The site has been enclosed along Ripponden Road in part in timber fencing and part in mesh fencing. Stone blocks line the new driveway to the storage areas and some of these are enclosed with large concrete block walls. A section of timber fencing with concrete posts also runs along the edge of a driveway to the house.
10. This part of the Green Belt, situated outside of any of the defined settlement boundaries, is open, green, and verdant due to the large open fields, rolling landscape and long-distance views available across the land. The appeal site, prior to the works commencing, would have contributed positively to the Green Belt as a traditional farmhouse within the wider landscape.
11. The areas of hard standing and the changes to the levels of the site are visible from outside the site and have resulted in a substantial change to the appearance of the site. Even if I were to accept the appellant's argument that the land levelling works only involve a small portion of their wider land ownership, the works have altered the appearance of the site and the Green Belt.
12. The appeal site is highly visible and appreciated by users of Ripponden Road and occupiers of properties in the area. Due to the rolling landscape the site is also visible from longer distance views from Buckstone Road near the junction with Ripponden Road and when heading out from and towards Shaw. Overall,

the scale of the engineering works and the extent of the storage required for the demolition equipment would have a significant adverse effect on the visual aspect of the openness of the Green Belt.

13. Openness also has a spatial aspect which is an absence of development, rather than an absence of a view. The construction equipment could be moved, and the proposal is for temporary use of the site, for a period of three years. However, the engineering works and the storage use, albeit temporary, would result in development on a piece of land which was previously undeveloped. This would have a significant spatial impact on the openness of the Green Belt.
14. Furthermore, as development on previously undeveloped land and not within or adjoining a settlement, the proposal would also breach a key purpose of Green Belt policy by encroaching into the countryside and, as such, result in a form of urban sprawl, albeit for temporary use.
15. For the above reasons, the proposal would have both a visual and spatial impact, would harm the openness of the Green Belt and would result in encroachment into the countryside. Consequently, having regard to the National Planning Policy Framework and relevant development plan policies, the proposal would be inappropriate development, in that the development would not preserve the openness of the Green Belt. The proposal would, therefore, be contrary to Policies 9, 20 and 22 of the DPD which, taken together seek to protect and improve local environmental quality, ensure high quality design which reflects the character of an area, and protect the Green Belt.
16. For the same reasons, the proposal would be contrary to the advice contained within the Framework.

Highway safety

17. Vehicular access to the site has been created. However, although the photograph from the appellant shows that there was a field gate in this approximate location, that gate appears to only serve as access to the field. I have no substantive evidence that the field gate access was used to serve the whole of the farm or the dwelling.
18. The access that has been created as part of the appeal is substantially different in its layout from the field gate. Moreover, although the field gate would have been used by agricultural traffic the use would have been limited. The proposed use of the site would result in a substantial change in the level of vehicle use of the access, even if the demolition equipment is not moved frequently.
19. The access is close to the nearest streetlight which also serves as the nearest bus stop on this side of Ripponden Road. The bus stop is a flag on the streetlight and passengers would wait on the pavement by the streetlight. The bus stop is only likely to serve the appeal site, the small terrace of houses on the opposite side of Ripponden Road and passengers coming to Besom Hill Country Park, opposite the appeal site. Other local residents are more likely to use bus stops closer to their homes.
20. I have no evidence that the bus stop is heavily used. Although the access has been created close to this nearest bus stop, I have no substantive evidence that there is not sufficient space on the pavement around the bus stop. The pavement either side of the streetlight would provide suitable waiting space for

the likely number of passengers needing to wait to get on the bus. A bus stopped would reduce the visibility available from the access to the appeal site. However, this would be for short periods of time and only when there are passengers wanting to get on or off the bus.

21. Even considering the comments from the Council Highways team, given that there is space on the pavement either side of the bus stop for passengers to wait, and no substantive evidence that the space is not sufficient for the likely level of use, it is my judgement that it is unlikely that the access would result in harm to the safety of the users of the highway.
22. For the above reasons, I find that the proposal would not result in a detrimental effect on highway safety, with particular regard to the position of the access and the bus stop. Consequently, I find no conflict with Policies 5 and 9 of the DPD which, taken together, seek to ensure that development would not harm the safety of road users and ensures the safety of pedestrians.

Other considerations

23. In support of the appeal the appellant has referred to the proposal being for a temporary period of three years, that the site is not suitable for this use on a permanent basis, that they intend to redevelop and farm the land, and the economic benefits of local employment.
24. From the evidence before me the use has been ongoing, and the works commenced on site more than three years before the date of this appeal. The appellant is now seeking a further three years. Temporary planning permission should only be granted where it is expected that the planning circumstances will change in a particular way at the end of that period¹.
25. Although the appellant refers to efforts to work with the Council land and estates services staff to find a suitable alternative site, I have not been provided with any substantive evidence of the efforts the appellant has made either with the Council or on their own. There is no certainty that three-year temporary permission would be sufficient to enable the appellant to find an alternative site, relocate the demolition equipment and remove the engineering operations.
26. Notwithstanding this, even if the appellant is able to provide evidence of unsuccessful attempts to find an alternative site this would not justify the harm that has occurred to the Green Belt from the engineering operations and the change of use. Neither would it justify the continuation of this harm for a further three years. The harm is to such an extent that, in my judgement, it would not be sufficiently reduced by the granting of a temporary consent. I, therefore, give the temporary time period proposed limited weight.
27. There are also no details of how the appellant intends to reverse the engineering operations that have been carried out at the end of any such temporary period. Although these details could be secured by condition the evidence before me does not provide me with sufficient confidence that the appellant intends to remove the areas of hard standing and levelling.

¹ Planning Practice Guidance Use of Conditions Paragraph: 014 Reference ID: 21a-014-20140306, Revision date: 06 03 2014

28. Both main parties have referred to the appellant's subsequent planning application for replacement of the existing dwelling, which includes the same access, driveway, and gates. However, I have not been made aware that the Council has determined the second application and, as such, it does not represent a fallback position. The effect of that proposal on the Green Belt would need to be considered separately to the appeal before me. I have, therefore, given this little weight.
29. I acknowledge the appellant's business has an economic benefit in that it provides local employment. However, I have not been provided with any substantive evidence that the business would not continue to operate without the temporary consent. Consequently, I afford this consideration limited weight.

Planning Balance and Conclusion

30. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have found that the proposal would comprise inappropriate development in the Green Belt due to the adverse impact on the visual and spatial aspect of openness. Substantial weight is given to the harm to the Green Belt and very special circumstances will not exist unless the harm to the Green Belt, and any other harms, are clearly outweighed by other considerations.
31. For the above reasons, I have given limited weight to the other considerations. These would not clearly outweigh the substantial harm that I have identified to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
32. Therefore, the development conflicts with the development plan taken as a whole and the Framework. There are no material considerations to suggest the decision should be made other than in accordance with the development plan.
33. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

K Townend

INSPECTOR