



Appeal Decision

Site visit made on 18 June 2024

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2024

Appeal Ref: APP/U4230/W/23/3331419

Land adjacent to Ebenezer Farm, Astley Road, Irlam, Greater Manchester M44 5LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Anthony Wright against the decision of Salford City Council.
 - The application Ref 23/81400/PIP, dated 10 March 2023 , was refused by notice dated 3 May 2023.
 - The development proposed is erection of single detached dwelling and detached garage to replace storage building, garage/workshop (B2) containers and miscellaneous external storage (B8).
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 1 dwelling at Land adjacent to Ebenezer Farm, Astley Road, Irlam, Greater Manchester M44 5LW in accordance with the terms of application, Ref 23/81400/PIP, dated 10 March 2023.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages and planning permission is not granted unless or until both stages are approved.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. A site plan as proposed and proposed plans and elevations of a dwelling have been submitted. However, given the scope of permission in principle applications, these are indicative only and I have therefore treated them as such.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

5. A revised National Planning Policy Framework (the Framework) was published in December 2023, after the determination of the application and the submission of the appeal. However, given the scale and nature of the proposal and the scope of the changes to the Framework, I do not consider them to be material to my decision. In any event, the parties have had the opportunity to comment on the revised Framework either within statements or final comments.
6. Places for Everyone (PfE), a joint regional plan for Greater Manchester, including Salford, was adopted during the course of the appeal in March 2024. It therefore now forms part of the development plan for the area. At the time of determining the application, the Council did not consider that any of the policies in the emerging PfE were relevant to the determination of the proposal and none were referred to in the reason for refusal. I have not been provided with any PfE policies to consider and have not therefore had regard to them in the determination of the appeal.

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

8. The appeal site is located in the Green Belt. It contains two existing buildings and at the time of my visit, various materials, storage containers and parked vehicles were occupying the land surrounding the buildings. The site appeared to be in some sort of commercial use with other commercial and residential uses in the vicinity of the site along Astley Road.
9. The application form states that there are existing C3, B2 and B8 uses on the site. However, the description of the development refers to B2 and B8 uses only, and the appeal statement does not refer to any existing residential uses on the site.
10. It appears that the site has a complex planning history with the refusal of a previous application for the operation of a scaffolding business (Ref 06/52142/COU), the issuing and withdrawal of an enforcement notice in 2007 and the submission of an application for the change of use of the land to a builders yard and the erection of an extension in 2008 (Ref 08/56093/FUL). No decision was made in relation to the builders yard and extension application. At the time of submission of the appeal proposal, it appears that the appellant's agent stated that there was a motor repair and servicing garage operating from the site, though it appears that no consent has ever been granted for that use or for the scaffolding business or builders yard use.
11. In determining the application the subject of this appeal, the Council appears to accept that the site is previously developed land and that the existing buildings are permanent structures. Noting this and having regard to paragraph 154(g) of the Framework which allows for the re-development of previously developed land in the Green Belt subject to no greater impact on openness, the Council raises no objection to the principle of the proposal on Green Belt grounds. Based on the evidence before me, I can see no reason to disagree with this conclusion. Whilst plans of the proposed dwelling have been provided,

as stated above, given the scope of the permission in principle application, these are only indicative. I have not therefore made a detailed assessment of the relative impact of the existing and proposed development on the openness of the Green Belt as this is a matter for the technical details consent stage of the process.

12. The Council's principal concern regarding location and the proposed land use centres around the presence of an existing commercial use on the adjacent site. It is concerned that the living conditions of future occupiers of the proposed dwelling would be unduly affected by noise and disturbance, dust and odour emanating from the adjacent site and that the presence of a dwelling on the appeal site would lead to undue restrictions being placed on the operation of existing commercial uses nearby.
13. It appears that the adjacent site has planning permission for the material change of use of land for the operation of goods vehicles with associated storage, materials and office facilities (Ref 19/74206/COU approved 17 April 2020). This permission is the subject of a number of conditions including ones relating to the scope of the use, the height of mounds of material and operating hours. When considering the appeal proposal, the Council referred to the presence of a waste transfer/recycling facility adjacent to the site. However, as stated above, this appears to differ from the use that has been granted planning permission.
14. I have no details before me regarding noise, dust or odour generated by the adjacent site or any other commercial site nearby. However, I acknowledge that it is likely that some noise, dust and odour will be generated from nearby businesses. Nevertheless, at this stage, there is no evidence demonstrating that the permitted commercial uses nearby generate significant and material levels of noise, dust and/or odour. In any event, even if they do, there is no evidence to show that suitable and adequate mitigation measures could not be proposed as part of a technical details consent application. This would mean that the proposed residential use and existing commercial uses could co-exist without detriment to each other. Given this, and the fact that no objections were raised with regard to other locational factors, there are no grounds to withhold permission in principle having regard to the location and proposed land use.
15. A single dwelling is proposed, and the Council raises no objection to the amount of development proposed.
16. Taking the above matters into consideration, having regard to the scope of permission in principle applications and insofar as they are relevant, the proposal accords with policies PH1 and D5 of the Salford Local Plan: Development Management Policies and Designations adopted January 2023 and with relevant paragraphs of the Framework in particular paragraphs 191 and 193. These policies and this guidance state, amongst other things, that development should provide potential users with an acceptable level of amenity and should not have an adverse effect on users of nearby buildings and spaces, including having regard to pollution.

Other Matters

17. The site is located within Chat Moss, a strategically important lowland wetland area. When determining the application, the Council considered that the

proposal would not affect its conservation value, integrity or recreational use and I have seen no evidence to lead me to disagree with this conclusion.

18. I note that the Greater Manchester Ecological Unit advise that a number of ecological assessments and appraisals are required. However, it considers that this information can be submitted as part of any future technical details consent application. I concur, given that planning permission is only granted when both stages of the process are approved.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR