

Appeal Decision

Site visit made on 9 September 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/W4223/W/23/3332765

Dark Lane, Delph, Oldham, Lancs OL3 5TY

- 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 Gavin Mather against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is FUL/351291/23.
 - The development is proposed stables.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the 20 December 2023 version.
3. Since the appeal was submitted, the Council has adopted the Places for Everyone¹ Joint Development Plan (PfE Plan) as part of the Development Plan for Oldham. The main parties were given the opportunity to comment on this adopted plan, and I have taken into account any comments raised.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration of very significant weight, the weight I give to the changes in the draft Framework is limited given that no final document has been published and it is subject to potential change in the future. Consequently, in reaching my decision I have therefore had regard to the Framework published on 20 December 2023.

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024.

Main Issues

5. The main issues are:

- whether or not the proposal is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies; 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 necessary to justify the development.

Reasons

Whether inappropriate development

6. The appeal relates to a parcel of land situated to the west of Dark Lane, within land designated as Green Belt. Directly to the east, between the appeal site and the highway, an earth sheltered dwelling is currently being constructed, with the appeal site sitting on land that is higher than the floor level of this adjacent development.
7. The appeal site includes an area of hardstanding and at the time of my site visit was being used for the storage of various items and vehicles, including three metal containers. I have however not been provided within any details in respect of the planning history relating to the items I observed on site.
8. Due to the natural undulating topography of the wider area the appeal site is visible from various public vantage points, including sections of the highway of Dark Lane and a number of nearby Public Rights of Way (PRoWs), two of which run directly to the west of the appeal site.
9. Policy 22 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies (2011) (Local Plan) states that development in the Green Belt will be permitted provided it does not conflict with national policies on Green Belt. Additionally, PpE Policy JP-G9 lists the five purposes of the Green Belt as set out in the Framework. These policies therefore conform with the provisions of the Framework.
10. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
11. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 154.
12. One such exception, criterion 154 (b), is for the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries, burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

13. The Council's Officer Report states that the proposed stable block would provide an appropriate facility for sport and recreation, and I see no reason to disagree. I therefore now turn to the effect of the proposal on the openness of the Green Belt and the purposes of including land within it.
14. Openness is an essential characteristic of the Green Belt that is capable of having spatial as well as visual aspects. The proposed development would be a building consisting of three stables and a tack room, with the submissions stating the stable building would be for private use only. The submitted plan also shows that the three existing containers, labelled as 'cabins' on the plans, would be removed, and that the existing area of hardstanding would be reduced in size and replaced with grass, trees and shrubs.
15. I acknowledge that the appeal site currently includes three containers, which according to the submitted plans have a combined volume of 90m³ and these are shown to be removed and replaced by the proposed stable building. However, I have limited information before me in respect of the planning history of these 'cabins', or details of their height in comparison to the proposed stable building.
16. Nonetheless, given my observations on site, as well as details shown on the submitted plans, the proposed stable building would appear to have a larger footprint than these existing 'cabins' on site. As a consequence, the appeal proposal would extend the amount of built development on the site and alter the spatial openness of the Green Belt in this location.
17. Visually, as detailed earlier, the appeal site is visible from various public vantage points along Dark Lane, as well as a number of nearby PRowS. From these locations the proposed stable building would stand out due to the natural undulating topography of the surrounding area and its relatively isolated position away from built development within its immediate surroundings.
18. Furthermore, again whilst full details of the height of the existing 'cabins' have not been provided, nor have details of the volume of the proposed stable building, on the evidence before me and my observations on site, the proposed stable building would appear to be higher and have a greater volume than these existing 'cabins'. As such, the proposed building would also have a greater visual impact upon the openness of the Green Belt than the existing structures on the site.
19. In coming to the above view, I acknowledge that a dwelling is currently being built to the east of the appeal site. However, I have been provided with limited information in respect of this adjacent development and observed on site that it is largely screened from wider views by being constructed below the natural ground level and at a considerably lower land level than the proposed stable building.
20. Furthermore, the reduction in the size of the area of hardstanding to the south of the proposed building, to be replaced with grass, would not be highly visible from public vantage points on Dark Lane, and the proposed planting of trees would not screen views of the proposed stable building from the most prominent views to the north and east.
21. Whilst I acknowledge the appellant's comment that the proposed building is of a traditional design that is similar to other stable buildings, my attention has not been drawn to any other similar designed stable buildings within the same view, and I did not observe any during my site visit.

22. In view of all the above, I find the appeal proposal would not preserve the spatial and visual openness of the Green Belt, and the degree of harm to the openness of the Green Belt would be moderate. Furthermore, the appeal scheme would not safeguard the countryside from encroachment, and thus conflicts with one of the five purposes of the Green Belt, as specified at paragraph 143 of the Framework. The appeal scheme would therefore not fulfil the requirements of criterion 154 (b) of the Framework.
23. I therefore conclude that the erection of the stable building would cause moderate harm to the openness of the Green Belt, and would conflict with one of its purposes. The appeal proposal would therefore result in inappropriate development in the Green Belt which is, by definition, harmful. As such, the proposal conflicts with Policy 22 of the Local Plan and Policy JP-G9 of the PfE Plan, as well as the Framework.

Other considerations

24. Whilst I have limited information before me in respect of the planning history relating to the existing structures and activities taking place on the appeal site, the reduction in the amount of hard surfacing, along with the removal of the steel containers and stored items, would result in some visual improvement. I therefore attribute moderate weight to this benefit in favour of the appeal scheme.
25. The proposal would also include an area of new shrub and tree planting which would potentially screen some views of the proposed stable building from the south and west. However, as detailed above this planting would not screen views of the proposed stable building from the most prominent viewpoints to the north and east of the site. As such, this matter carries limited weight in favour of the appeal.
26. I acknowledge that the proposed development would provide a stable building for the appellant's horses. Nevertheless, I have limited information before me that this is the only location that the appellant's horses can be housed and thus this limits the weight I can attribute to this matter in favour of the appeal proposal.

Green Belt Balance

27. The proposal constitutes inappropriate development in the Green Belt and results in moderate harm to openness. By virtue of paragraph 153 of the Framework this harm attracts substantial weight.
28. The Framework makes it clear that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, must be clearly outweighed by other considerations for planning permission to be granted. In this case, I find that although there are matters which provide weight in favour of the appeal, the weight of these other considerations does not clearly outweigh the harm arising to the Green Belt.
29. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

30. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision

should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

R Major

INSPECTOR