



Appeal Decision

Site visit made on 14 April 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 JUNE 2025

Appeal Ref: APP/W4223/W/24/3357064

Land off Stockport Road, Lydgate, Oldham OL4 4JL

- 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 Simon Leigh against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is FUL/352308/24.
 - The development proposed is erection of one detached dwelling and installation of dropped kerb.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of one detached dwelling and installation of dropped kerb at land off Stockport Road, Lydgate, Oldham OL4 4JL in accordance with the terms of the application Ref FUL/352308/24 and subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Simon Leigh against Oldham Metropolitan Borough Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed dwelling on the character and appearance of the area, affording special attention to the setting of Lydgate Conservation Area (the LCA), and the settings of the listed buildings known as the White Hart Public House (the White Hart) and the Church of St Anne (the church).

Reasons

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. The appeal site sits adjacent to No 4 Stockport Road (No 4) and forms a small section of a larger field. The remainder of the field and its associated access off Stockport Road lie between the appeal site and the LCA. The closest part of the LCA to the appeal site is the public footpath that runs between the field access and the church.

6. The part of the LCA most closely related to the appeal site is dominated by two Grade II listed stone buildings, the White Hart and the church, both of which are large buildings that stand proud, at elevated positions, as landmarks when viewed from Stockport Road, prior to entering the LCA.
7. The presence of the listed buildings creates a sense of arrival into the historic core of Lydgate and the LCA, which is amplified by the open aspects in which they sit. The field that lies between No 4 and the footpath adjacent to the church yard, and the open aspect of the car park associated with the White Hart on the opposite side of Stockport Road, contribute to this sense of spaciousness and are therefore important to the setting of the heritage assets.
8. The evidence before me and my observations, in the absence of a conservation appraisal, confirm that the appeal site has no specific historical functional relationship with the listed buildings. The listed buildings have both historic and architectural interest. For example, the White Hart is of local historic interest due to the range of former uses, and the church is of national historic significance due to its religious connections and links to notable architects connected with various alterations to the building. Both structures provide evidence of historic building techniques, retain many original features and show the original design intentions of their creators.
9. There is no dispute between the parties that the site lies within the setting of all three heritage assets and based on my site visit observations and a review of the evidence before me, I see no reason to disagree.
10. The appeal site represents a small part of the overall field that helps to create the open aspect of the setting of the heritage assets, in particular the church and the associated part of the LCA given their location on the same side of Stockport Road. Furthermore, the dwelling would sit at the furthest part of the field from the heritage assets and at a much lower level due to the substantial topographical change between the church and the LCA, and the site.
11. The siting and ground height of the proposal would ensure it is in-keeping with the properties adjacent to it, such as No 4, creating a continuity of the existing built form. Due to its modest size, location adjacent to an existing property and being set back from Stockport Road, maintaining the existing building line, views of the heritage assets from Stockport Road would be largely unhindered, thereby maintaining the open aspect of the LCA and the listed buildings.
12. Furthermore, from the evidence provided, the proposed height of the dwelling ridgeline has been reduced during the planning application process to better assimilate itself with the neighbouring property at No 4 and to further reduce its prominence within its surroundings, ensuring the dwelling would not have a negative effect on the setting of the heritage assets.
13. The proposed dwelling is designed in such a way to integrate with its context. The evidence confirms that natural facing stone and grey/blue slate would be the predominant building materials, both of which are commonplace and contribute positively to the character and appearance of both the LCA and beyond. Details such as the proposed stone window and door surrounds, and stone corbels add to the attractiveness of the proposal and are relevant within their context.

14. My attention has been drawn to a previous appeal decision¹, for housing development on the same field in which the current appeal site sits, the contents and conclusion of which I have had regard to. Whilst the Inspector in that case found harm to the character and appearance of the surrounding area and less than substantial harm to the significance of the heritage assets, I am mindful that a different proposal and site extent are before me in this case. The previous proposal was for 3 no. dwellings, with considerably more development and overall impact in comparison to the modestly sized appeal proposal that is before me. Even in the absence of the previous plans within the evidence, it is clear to me that the proposal in that case would have resulted in development stretching beyond the extent of the current appeal site, thereby reducing the gap considerably between No 4 and the LCA and the church, diminishing the effectiveness of the open field in positively contributing to the setting of the heritage assets.
15. For the reasons above, the proposal would preserve the character and appearance of the area and the positive contribution that the open aspect of the wider field makes to the settings of the LCA and the two listed buildings. It would thus accord with the statutory presumptions contained within sections 66(1) and 72(1) of the Act and policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan Document for, amongst other locations, Oldham (2024) (PfE) and policies 9 and 24 of the Oldham Joint Core Strategy and Development Management Policies document (2011). These policies, amongst other matters, seek to protect, conserve and enhance the settings, historic character and significance of heritage assets and designations.

Other Matters

16. Concern has been raised by interested parties in relation to highway safety. It is acknowledged that Drawing No 1366/P-010 Rev A does not show the existing tree and hedge beyond the front boundary of No 4 and whether those features would impede visibility or not for the drivers of vehicles exiting the appeal site. However, from my site visit observations, in considering the low speed of traffic travelling along Stockport Road aided by existing traffic calming measures, and how conventional it is for individual property visibility splays to cut across adjacent boundary treatments, I am confident that exiting the site would not be to the detriment of highway safety.
17. Furthermore, it is not commonplace for individual properties located immediately off a classified highway such as Stockport Road to have sufficient turning space within the site to allow vehicles to enter and exit in a forward gear. Examples of similar arrangements in the area have been provided in the appellant's evidence.
18. It is also noted that vehicles have the potential to park on the opposite side of Stockport Road to the appeal site, which could cause manoeuvring difficulties. However, vehicle users would be subject to general highway parking restrictions and in any case, there appears to be sufficient space available based on the evidence before me.
19. Interested parties have expressed concern that the appeal site is within the Green Belt and that due regard has not been afforded to the designation accordingly. It is common ground between the main parties that the current appeal site is not located within the Green Belt and in the absence of any evidence to the contrary, I see no

¹ PINS Ref APP/W4223/W/22/3306367, dismissed on 28 February 2023, for 3 No. dwellings and associated works.

reason to disagree. Accordingly, I have not considered the appeal against Green Belt planning policy.

20. Several interested parties have referred to the field, in which the site is located, as being historically and politically significant in terms of its connection with the suffragette movement. Evidence in the form of photographs of an un-erected memorial stone have been provided. However, no contextual evidence has been provided to confirm the connection to this particular field.
21. Other matters have been raised, such as the condition of the site, the planting of a hedge beyond the dry-stone wall and the conduct of the appellant outside of and during the planning application process. These are not matters for my deliberation in the context of this planning appeal, nor is any potential enforcement against the appellant's previous actions.

Conditions

22. I have had regard to the planning conditions suggested by the Council in the officer's report and I have considered them against the tests in the National Planning Policy Framework (the Framework) and the advice in the Planning Practice Guidance (the PPG).
23. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans as this provides certainty (2). I have imposed a condition relating to materials to safeguard the character and appearance of the area and the settings of the heritage assets (3). I have imposed a condition relating to methods of surface and foul water drainage to ensure the development is satisfactorily drained and to reduce the risk of flooding (4). I have imposed a condition relating to contamination and gas in the interests of public safety (5).
24. I have imposed a condition requiring the dwelling to be built to accessible and adaptable Building Regulations standards (6) to ensure that the aspirations of the Council, set out at policy JP-H3 of the PfE, in seeking to secure a supply of well-designed, accessible and adaptable homes is supported. The appellant has been afforded the opportunity to comment on the suggested conditions put forward by the Council and has not submitted evidence to demonstrate that specific site conditions make it impracticable to meet the enhanced standards. The second part of the suggested condition of the Council, providing an exception on the above grounds if relevant, has therefore been removed as it would be unnecessary and fail to meet the tests in the Framework or the advice in the PPG.

Conclusion

25. Based on the above considerations, I conclude that the proposal accords with the development plan and the appeal should be allowed.

L Fern

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1366-SLP; 1366-P-001 Rev B; 1366-P-101; 1366-P-201 Rev A; 1366-P-010 Rev A.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Prior to the commencement of any part of the development hereby permitted, details of the method of surface water and foul water drainage from the site shall be submitted to and approved in writing by the local planning authority. The approved details shall be carried out in full prior to first occupation of the dwelling and shall be maintained thereafter.
- 5) If ground contamination, groundwater contamination and/or ground gas are encountered at any time prior to the dwelling being occupied, construction shall cease with immediate effect and/or the dwelling shall not be occupied until details setting out what measures, if any, are required to remediate the site are submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. If no contamination or gas is found, post-completion details shall be submitted to and approved by the local planning authority.
- 6) The development hereby permitted shall not be occupied until the Building Regulations requirements for accessibility and adaptability have been complied with.

*****END OF CONDITIONS*****