



Appeal Decision

Site visit made on 15 April 2025

by **H Senior BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/P4225/W/25/3358849

Rainshore House, Over Town Lane, Rochdale OL12 7TQ

- 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 and Mrs Antony Whiteside against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref is 24/00568/FUL.
 - The development proposed is change of use of dwelling house (Use Class C3) into Special Education Needs School (Use Class F1 (a)); demolition of outbuilding; erection of new single storey classroom building; alterations to existing access and car park; installation of multi-use games area and fencing.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of dwelling house (Use Class C3) into Special Education Needs School (Use Class F1 (a)); demolition of outbuilding; erection of new single storey classroom building together with alterations to existing access and car park and the installation of multi-use games area and fencing at Rainshore House, Over Town Lane, Rochdale OL12 7TQ in accordance with the terms of the application, Ref 24/00568/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The second reason for refusal regarding noise has been withdrawn by the Council. Having had regard to the submitted Noise Impact Assessment I have no reason to disagree with the Council's position that the proposal is acceptable in this regard. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - the effect on the openness and purposes of the Green Belt.
 - the effect on the character and appearance of the area, 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 the Proposal would be Inappropriate Development

4. The appeal site is a large, previously extended detached Arts and Crafts style dwelling set within spacious gardens with outbuildings and landscaped boundaries set at a lower level than the dwelling. It is within a rural setting with access from Over Town Lane and lies within the Green Belt.
5. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraph 154, sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
6. Paragraph 154c) sets out that development in the Green Belt is inappropriate unless the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building.
7. The Framework does not define what a disproportionate addition would be. An assessment of whether the proposal would be disproportionate to the original building is therefore a matter of planning judgement but the overall size of the building (either in terms of footprint, floorspace or volume) is clearly an important factor. An original building, the Framework explains, is a building as it existed on 1 July 1948 or, if it was constructed after that date, as it was built originally.
8. In this case there is no evidence before me on the extent of the original building. However, the Council estimate that the volume of the new building and link extension would be approximately 30% of the cubic volume of the original building. As it would be a single storey timber framed addition and be behind the existing building views of it from Over Town Lane would be limited and further obscured by the boundary treatments. Therefore, this would not be considered to be a disproportionate extension over and above the size of the original building.
9. Paragraph 154b) relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and 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. The Multi Use Games Area would be situated to the rear of the existing building in an area which is at a lower level to the main dwelling and surrounded by dense landscaping, which will be improved with the planting of new native species, secured by a condition. As the proposal would be within the existing boundaries of the dwellinghouse it would not encroach into the surrounding countryside. It would therefore preserve the openness of the Green Belt.
10. The Framework has introduced the concept of Grey Belt land. This is land that does not strongly contribute to the Green Belt purposes (a), (b) or (d) in paragraph 143 of the Framework. Both parties agree that the land is Grey Belt. However, even if I were to agree that it meets the definition of Grey Belt land, in order for the development of homes and other development to not be regarded as inappropriate, paragraph 155 of the Framework sets out that all parts of the paragraph need to apply. These are a). The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green

- Belt across the area of the plan; b). There is a demonstrable unmet need for the type of development proposed; and c). The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.
11. Whilst there is no assessment of suitable alternative sites for a school, the principle of the use on this site accords with development plan policy and the need for it is adequately evidenced in this context.
 12. Whilst Over Town Lane is narrow in parts, with traffic calming measures including vehicle priority arrangements, there is a footway in place for its full length. Bus stops for public transport access to and from nearby towns and villages are found on Edensfield Road in the vicinity of its junction. This, along with the provision of cycle spaces as part of the appeal proposal, would give a choice of transport modes, particularly for the staff of the school. Due to the type of education provision to be provided, the majority of the pupils would travel to the school in private cars, taxis or minibuses. Some pupils would therefore arrive by sustainable transport modes. The Proposed Car Park Management Plan would ensure that the arrival and departure of pupils would be phased to assist with managing the potential for traffic congestion on Over Town Lane. This could be secured by condition.
 13. The proposal would not undermine the purposes of the Green Belt, there is a demonstrable unmet need and it would be in a sustainable location and therefore meets the Green Belt provisions at paragraph 155. With regard to this, even if paragraphs 154c and 154b do not apply the proposal would not be regarded as inappropriate development.
 14. There would therefore be no harm to the openness of the Green Belt. The proposal would not be inappropriate development in the Green Belt having regard to the development Plan and the Framework. It would comply with Policies G4, P1, P2, P3 and DM1 of the Rochdale Core Strategy(2016) (RCS) and Policies JP-P1, JP-G9 and JP- G1 of the Places for Everyone Joint Development Plan Document (2024) (PEJDPD) which together, and amongst other matters, seek to ensure that development in the Green Belt is restricted to those limited types of development which are deemed not to be inappropriate.

Character and appearance

15. The proposed additional single storey building and would be set partly behind the existing outbuilding. There would therefore be limited views of it from Over Town Lane and other public vantage points.
16. The creation of a parking area and drop off zone would increase the amount of hardstanding within the curtilage of the building. However, this would not be extensively visible from public vantage points and the introduction of additional landscaping to the existing boundaries of the site would further enhance them, reducing the impact of the proposal.
17. The proposal would not harm the character and appearance of the area. It would comply with Policies P1, P2, P3 and DM1 of the Rochdale Core Strategy (2016) (RCS) and Policy JP-G1 of the Places for Everyone Joint Development Plan Document (2024) (PEJDPD) which together, and amongst other matters, seek to ensure that development with protect and enhance the Borough's character and adhere to high standards of design.

Other Matters

18. I have had regard to the objections to the development from the interested parties. The Noise Impact Assessment and the conditions (addressed below) attached to the approval relating to the provision and management of car parking mitigate the effects the proposal would have on the living conditions of the nearby occupiers.
19. I note that Over Town Lane is used by visitors to the nearby reservoir and that the lane is often used for the parking of visitor's vehicles. A condition securing the Proposed Car Park Management Plan would reduce the likelihood of vehicles associated with the school adding to the existing traffic conditions. In addition, subject to the aforementioned condition, there is no substantive evidence before me that the proposal would unduly exacerbate the existing highway conditions.
20. The safeguarding and safety of pupils would be a matter for the operators of the school. Whether or not children from Rochdale with a Special Educational Need would be educated at the school would also be a matter for the operators and the Council. However, from the evidence before me, there is an established need for Special Educational Needs Schools for children both with and outside of Rochdale as there are currently more children requiring the education setting than places available.

Conditions

21. I have considered the conditions put forward by the Council which the appellants have commented on. For the sake of clarity and enforceability, I have amended the suggested conditions where appropriate.
22. To provide certainty I have included the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.
23. The pre-commencement conditions requiring the submission and approval of a surface water drainage system and Construction Method Statement are necessary to secure proper drainage, protect the natural environment, for highway safety and to protect the living conditions of neighbouring occupiers. The information is required to inform the early stages of construction, so pre-commencement conditions are necessary. The appellant has accepted these conditions.
24. Hard and soft landscaping, hardstanding and materials conditions are necessary in the interests of the character and appearance of the area. The condition limiting the time during which vegetation clearance and demolition can take place is necessary to protect nesting birds. The condition requiring a reasonable avoidance measures statement for bats is necessary to safeguard protected species. Also, the condition requiring mitigation measures set out within the Ecological report is necessary to minimise the risk to protected species.
25. The conditions relating to the design and layout of the car park and requiring implementation of the Car Parking Management Strategy are necessary in the interests of highway safety and safeguarding living conditions.
26. The conditions relating to noise mitigation and external lighting are necessary to safeguard the living conditions of surrounding occupiers and finally the condition requiring the implantation of the refuse and recycling facilities is necessary to ensure satisfactory facilities and for the character and appearance of the area.

Conclusion

27. For the reasons set out above, the development does not constitute inappropriate development in the Green Belt. In addition, the proposal would not harm the character and appearance of the area. For the reasons given above the appeal should be allowed.

H Senior

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos - Proposed Elevations - North & South – Dwg No P-012 – Rev 01; Proposed Elevations - East & West – Dwg No P-013 – Rev 01; Existing & Proposed North Elevation – Dwg No P-016 – Rev 00; Existing & Proposed Street Scenes – Dwg No P-015 – Rev 00; Existing Elevations - East & West - Dwg No P-006 – Rev 00; Existing Elevations - North & South – Dwg No P-005 – Rev 00; Existing Floor Plans - GF, 1F & 2F – Dwg No P-003 Rev 00; Existing Roof Plan – Dwg No P-004 Rev 00; Existing Sections – Dwg No P-007 – Rev 00; Existing Site Plan – Dwg No P-002 – Rev 00; Location & Block Plan - Dwg No P-001 – Rev 00; Proposed Block Plan – Dwg No P-008 - Rev 00; Proposed Floor Plans - GF, 1F & 2F – Dwg No P-010 – Rev 00; Proposed Roof Plan – Dwg No P-011 – Rev 00; Proposed Sections – Dwg No P-014 – Rev 00; Proposed Site Plan – Dwg No P-009 – Rev 00; Noise Impact Assessment prepared by Professional Consult Ltd dated 12/12/2024; Car Parking Management Plan – received by the Council 13/06/2024; Preliminary Ecological Appraisal and Roost Assessment, prepared by ArbTech Consulting Ltd, dated 18th April 2024.
- 3) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) measures to control the emission of dust and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) delivery, demolition and construction working hours (which should not take place outside of the hours of 08:00-18:00 Monday to Friday and 09:00-14:00 Saturday, with no work taking place on Sundays or Bank Holidays); and
- viii) measure to prevent the spread of Rhododendron.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

5) No development shall take place (including any site clearance, demolition or preparation works) until a reasonable avoidance measures statement for bats has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement thereafter.

6) No development (other than demolition, site clearance or preparation works) shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include :earthworks showing existing and proposed finished levels or contours; hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8) No development (other than demolition, site clearance or preparation works) shall take place until such time as details of hardstanding have been submitted to and approved in writing by the Local Planning Authority. Any submission shall include details of surfacing materials and construction details including a cross section showing the sub-base makeup. The hardstanding shall be installed prior to the first use or occupation of the approved development thereafter.

9) Notwithstanding any details submitted as part of the application, no part of the development shall be occupied until details of the type, siting, design and materials on any part of the development have been submitted to and approved in writing by the

Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

10) All works shall be carried out in accordance with the mitigation measures set out within the Ecological report hereby approved under Condition 2.

11) Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with drawing no Proposed Site Plan – Dwg No P-009 – Rev 00. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

12) The development hereby approved shall not be brought into use until car parking management strategy have been fully implemented and available for use. The recommendations and plan shall thereafter be retained for use at all times.

13) The development hereby approved shall be constructed in accordance with the noise mitigation measures set out within Noise Assessment Prepared by Professional Consult Ltd Dated 12/12/2024.

14) The development hereby approved shall not be brought into use until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

15) No external lighting shall be installed on any building or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be fully implemented.

End