



Appeal Decision

Site visit made on 9 September 2025

by **John Felgate** BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/W4223/W/25/3363497

Land at Carr Lane, Diggle, Oldham, Lancashire

- 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 L Kershaw against the decision of Oldham Metropolitan Borough Council.
- The application Ref is FUL/351985/23.
- The development proposed is the erection of a detached dwelling with associated landscaping.

Decision

1. The appeal is dismissed.

Main issues

2. It is agreed by both the Council and the appellant that the proposed development would constitute ‘inappropriate development’ in terms of green belt policy. In the light of this, and all the other submissions before me, it seems to me that the main issues in the appeal are:
 - the effects of the development on the green belt;
 - the effects on the settings of nearby listed buildings;
 - whether the appeal site is a suitable location in terms of its accessibility by a choice of modes of transport;
 - the merits of the proposed design;
 - any other benefits of the scheme;
 - and overall, whether the harm to the green belt including the harm by reason of inappropriateness, together with any other harm, would be clearly outweighed by the scheme’s benefits, so as to amount to the ‘very special circumstances’ needed to justify such development in terms of green belt policy.

Reasons for decision

Green belt

3. In the Oldham Local Plan¹ (the OLP), Policy 22 states that development in the green belt (GB) will only be permitted where it does not conflict with relevant GB policies at national level. In Places for Everyone² (PFE), Policy JP-G9 states the GB’s purposes, which include checking the sprawl of large built-up areas, and safeguarding the countryside from encroachment.
4. National policy is set out in the National Planning Policy Framework (the NPPF). Paragraph 142 states that the essential characteristics of GBs are their openness

¹ The Oldham Local Development Framework Joint Core Strategy and Development Management Policies, adopted Nov. 2011

² The ‘Places for Everyone’ Joint Development Plan Document, adopted March 2024

and permanence. Paragraph 153 sets out the types of development that are regarded as inappropriate in GBs, and states that such development is to be treated as harmful to the GB, by definition. The paragraph goes on to make clear that inappropriate development is only to be approved in very special circumstances, and that such circumstances will only exist where the harm to the GB, and any other harm, is clearly outweighed by other considerations; and in this latter regard, any harm to the GB is to be given substantial weight.

5. In the present case, as already noted, it is not disputed by the appellant that the appeal scheme falls within the definition of inappropriate development. Having regard to the terms of the above NPPF policy, I agree that there can be no doubt on this point.
6. In addition, the Council contends that the development would result in a loss of openness, one of the GB's key characteristics. Again, I can see no reason to disagree. The scheme proposes the erection of a new dwelling and garage on land that is otherwise mainly an open hillside. Although the proposed scheme has been designed to minimise any visual impact, nevertheless it would still involve the introduction of buildings, walls and paved areas, replacing a significant part of the existing grassland. This would clearly entail a reduction in the site's present openness, both visually and spatially.
7. The harm caused to the GB by the loss of openness would be additional to the harm by reason of inappropriateness. In both of these respects the development would conflict with the relevant development plan policies, being the aforementioned Policy 22 of the OLP and Policy JP-G9 of the PFE.

Setting of nearby listed buildings

8. Policy 24 of the OLP seeks to ensure that heritage assets and their settings are protected. Development within the vicinity of listed buildings must serve to preserve or enhance their special interest, again including their setting. In the PFE, Policy JP-P2 seeks similarly to positively conserve and sustain the historic environment, and to ensure that the significance of key elements is recognised, including historic farmsteads which contribute to the area's distinctive character and sense of place.
9. The NPPF states that the conservation of designated heritage assets should be given great weight (paragraph 212). Any harm to the significance of such assets, whether that harm is classed as substantial or otherwise, will require clear justification (213).
10. In the present case, the appeal site lies close to a number of Grade II listed buildings, including Red Lane Farmhouse, Middle Carr, Carr Farm House (which includes Spring Cottage and a further adjoining cottage), and Lower Carr, and Carr House. Together these form a loose group along Carr Lane and the private track known as Red Lane, with Carr House lying just beyond, on Standedge Road. According to local maps, they also form the historic nucleus of the scattered hamlet of Carr.
11. All of these listed buildings are either late-18th or early-19th century farm dwellings, with many common features in terms of their materials, plan form and detailing. Consequently, despite their somewhat straggling arrangement, this group of historic properties has a strong degree of coherence, due to their visual unity, their

shared history, and their evident sense of common purpose and function. The buildings' significance as heritage assets therefore lies in their value as typical examples of the local vernacular style for farmhouses of their period, and the evidence that they provide regarding the everyday life of farming communities during those times.

12. These five listed buildings are set just outside the village of Diggle, within the steeply sloping valley of the Thorns Beck. The landscape to the north of Carr Lane is predominantly one of open moorland, between Harrop Edge to the one side and Harrop Ridge to the other, with Saddleworth Moor beyond. There are long, sweeping views from the higher slopes, particularly along Standedge Road to the west and Huddersfield Road to the east, and also from the network of public footpaths that criss-cross the lower part of the valley. The listed buildings' close proximity to this surrounding valley landscape, their intervisibility with it, and their historical functional dependence on it as farmsteads, all seems to me to evidence a close and intimate relationship between the buildings and the land. The group as a whole is seen and experienced in this context. Consequently, the landscape around this group of buildings forms an important part of their setting, and contributes strongly to their significance as heritage assets.
13. The development now proposed would sit within this open valley landscape, and thus within the settings of all of the listed buildings in the group. The new building would be clearly visible in medium and long range public views towards the listed buildings from Standedge Road and Huddersfield Road, and from the footpath network within the valley. The development would also be prominent in close-range views from Carr Lane, which forms the main approach to four of the five buildings. In some of these views it would be not only the new house itself that was visible but also the driveway, parked vehicles, walls and domestic gardens, and also any residential paraphernalia such as sheds, garden furniture, washing lines and play equipment. The new development would also be seen prominently in views from some of the listed buildings themselves, particularly Middle Carr and the curtilages of Red Lane Farmhouse and Carr Farm House, from where the new building would be on significantly higher ground. From all these viewpoints, the development would be clearly within the settings within which the listed buildings are experienced.
14. As already noted, I appreciate the considerable efforts that have been made in designing the scheme, to minimise the development's impact. The building would be set into the slope of the hillside. Its profile would be low and linear; its siting and plan form would follow the topography. The principal material would be local stone. The green roof would help to blend with the natural landscape. The planting would mainly be naturalistic, and additional trees could be introduced for screening if required. But nevertheless, the development would be readily apparent, and would intrude into the landscape, eroding the otherwise largely intact setting of an important group of historic assets.
15. I note the appellant's argument that the appeal site is only one relatively small element in the overall valley landscape that forms the listed buildings' setting. But nevertheless, due to the openness of the remainder of that landscape, the change brought about by development on that part would be visible over a wide area, and consequently would appear as a dominant feature. The new dwelling would be between 30 – 100m from the nearest three listed buildings. But those distances are not dissimilar from the spacings between the historic buildings themselves, and

a new dwelling within such proximity would clearly have an impact on the existing group. I do not disagree that the design itself would represent a notable piece of modern architecture; and in another context, that might well be the decisive consideration. But here, for the reasons that I have already explained, it seems to me that the siting of the development would make it appear as a discordant feature, detracting from the wider landscape as a whole. As a result, the significance of the nearby listed buildings, which depends on their historic relationship with that landscape, would be diminished.

16. The scheme would provide the opportunity to get rid of some unattractive features, including the existing timber stables and wire fencing. But this does not outweigh the harm that I have identified.
17. When the Council dealt with the application, the conservation officer found that the proposed works would result in harm to the setting of the designated heritage assets, due to the loss of open green space and positive historic views, albeit that the harm would be 'less than substantial', to use the NPPF terminology. He also considered that that harm would outweigh any public benefits. The planning case officer agreed that harm would arise, but considered this to be outweighed by the quality of the design. Whilst I have taken account of these differing views, planning law³ requires special regard to be paid to the desirability of preserving listed buildings and their settings, and I therefore must form my own opinion in order to discharge that legal duty.
18. For the reasons stated above, I find that the proposed development would cause harm to the settings of the five listed buildings identified earlier. Whilst that harm would be less than substantial, the harm would nonetheless, be real and would damage the historic significance of each as heritage assets. In this respect therefore, the appeal proposal would conflict with both OLP Policy 24 and PFE Policy JP-P2.

Accessibility by a choice of transport modes

19. Policy 1 of the OLP requires, amongst other things, that development should take place in sustainable and accessible locations, so as to reduce the need to travel, and ensure a choice of transport modes for day-to-day journeys. Policy 3 states that even the smallest housing developments should be located where there is access to at least two key services, within either 480m or a 10-minute walk. Policy 5 requires such developments to also be within 400m from a bus route.
20. In the NPPF, paragraph 110 states that planning should actively manage patterns of growth, to support the aim of promoting sustainable travel, although it is recognised that the opportunities in terms of transport choice will vary between urban and rural areas.
21. In the present case, the village of Diggle has a reasonably good range of facilities, including both primary and secondary schools, a post office, and various other shops, pubs and retail businesses. It also has a relatively good bus service to Oldham and Huddersfield, running along Huddersfield Road. However, the appeal site is well outside the village, remote from most of these facilities, and accessible only via Carr Lane, which offers a poor standard of access for non-motorised users.

³ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

22. Having regard to the thresholds set out in the above OLP policies, the site is not within 480m of any of the key services defined in Policy 3. Diggle Primary School is said to be around 760m from the site, and there is no evidence that in this case that distance can be walked in 10 minutes, especially given that such journeys would be likely to involve young children. The northbound bus stop is only slightly beyond Policy 5's 400m guideline, but on the southbound side, the nearest recognised stop is another 300m or so further away. In none of these respects therefore does the appeal site meet the detailed requirements set out in either Policy 3 or Policy 5.
23. And in any event, as already noted, the need to use Carr Lane to reach any of these local facilities is a significant barrier to accessibility. The lane has a narrow, single-track carriageway, without footways and with few passing places. For much of its length, it runs between stone walls, or between well vegetated banks, which provide few opportunities for pedestrians to stand clear of the carriageway. There are some moderately sharp bends, and on some sections visibility is further limited by overhanging trees. At both its eastern and western ends, the gradient becomes very steep. Throughout, the lane is unlit. In all these respects, Carr Lane is wholly unsuitable for regular use on foot or by cycle, and is likely to be a significant deterrent to these modes of travel.
24. I do not doubt that Carr Lane is typical of many other rural roads in the area, nor that some non-motorised usage does occur, albeit probably mainly for leisure purposes. But even so, the OLP policies in question seem to me to be closely aligned with the NPPF, and I see no reason to give those policies anything other than full weight.
25. I conclude that, due to the relative remoteness of the location, and the deficiencies of Carr Lane, the proposed development would fail to facilitate travel by sustainable transport modes. It therefore follows that the appeal site is not a suitable site for residential development, and in this respect the scheme would conflict with Policies 1, 3 and 5 of the OLP.

Design

26. As well as the matters referred to above, OLP Policy 1 also seeks to encourage sustainable and high quality design and construction, that respects the area's character, distinctiveness and sense of place.
27. In the NPPF, paragraph 84(e) provides that, where a design is of exceptional quality, that may be enough to outweigh local plan policies that seek to avoid the development of isolated homes in the countryside. This provision is subject to the proviso that the scheme should be truly outstanding, reflecting the highest standards of architecture, helping to raise standards in the locality; and that it should enhance the immediate setting and be sensitive to the area's defining characteristics. Paragraph 139(b) also states that outstanding or innovative designs should be given significant weight, so long as they fit in with the overall form and layout of their surroundings.
28. In the present case, the proposed design has clearly been prepared with a great deal of care and expertise. This much is not disputed by the Council, nor by the independent Design Review Panel (the DRP) which considered the scheme, and to this extent I broadly agree with the views expressed by both. As I have already acknowledged, through its handling of the building's shape and massing, its plan

form, materials, and the site layout and landscaping, the proposed scheme goes as far as it reasonably could have done, to blend the development harmoniously into the hillside, and into the surrounding landscape. In addition, it would use 'Passivhaus' techniques to achieve very high levels of energy and water efficiency and internal comfort, and to minimise carbon dioxide and other emissions. Whilst none of these measures can still be described as particularly innovative, the technology is well-proven and of a very high standard.

29. I also note that the appellant has expressed a willingness to allow the building to be used as a demonstration project for educational and training purposes, and to allow opportunities for public viewing. Whilst it would not be reasonable for these to be made binding by way of conditions or obligations, nonetheless, the intention behind them seems commendable, and I have taken this into account.
30. On the basis of all the above, I am inclined to agree with the appellant that, in many ways, the proposed scheme would provide a development of exceptional and exemplary quality, and one which would therefore be capable of helping to encourage others of a similarly high standard. In these respects the proposal would be in line with the aims of the relevant provisions in OLP Policy 1 and NPPF paragraphs 84(e) and 139(b). As such, the scheme's good design and architectural merit is a matter that carries some positive weight in the planning balance.
31. But even so, all of the above policies make it clear that good design cannot properly be judged in isolation from its context. In this case, for the reasons already explained, I have found that on this particular site the proposed scheme would have an adverse impact on the settings of the nearby listed buildings. As such, it seems to me that it could not be said to be sensitive to the area's defining characteristics, nor to fit in with the overall form and layout of their surroundings, as required by the relevant NPPF paragraphs; nor that it would respect the area's character, distinctiveness and sense of place as sought by Policy 1. In this regard, my conclusion on the design differs from that of the DRP.
32. Consequently, despite the scheme's undoubted merits, I conclude that it would not accord with any of these relevant design policies, and does not gain support from them. This limits the degree of positive weight that attaches to the benefits of the design.

Other benefits

33. The development would also bring some other benefits. The provision of an additional dwelling would free up an existing home, and thus help to relieve pressures on the existing housing stock within the Borough, and would also contribute to the need for windfall sites. Although there is no planning obligation, it seems likely that the development would be carried out as a self-build project, helping to meet the Council's legal duties in that regard.
34. As a relatively high-value property, the new dwelling would potentially help to promote the Borough as a location for higher-income, wealth-generating households, thus contributing to the aim of enhancing public perceptions of the area, and its competitiveness, in accordance with PFE Policy JP-Strat6
35. The scheme would provide the opportunity for a substantial amount of new planting and habitat creation, potentially providing a significant net gain in biodiversity.

36. These public benefits, including the benefits accruing from the high-quality design, weigh in favour of the appeal. But none are dependent on the development being located at the present appeal site, and therefore to my mind the weight that they carry is limited.
37. In addition the development would provide a home designed to meet the specific needs and lifestyles of the appellant, his partner and their family, including by being adaptable for any future requirement for wheelchair use. The scheme would thus benefit their well-being. However, this benefit would be personal rather than public, and based on the information before me would seem to carry no more than modest weight.

Overall planning balance

38. The relevant legislation⁴ requires the appeal to be determined in accordance with the development plan for the area, unless material considerations indicate otherwise.
39. In this case, for the reasons already stated, in terms of green belt policy, the proposed scheme would be inappropriate development and would reduce the green belt's openness, conflicting with Policy 22 of the OLP and Policy JP-G9 of the PFE. As required by the NPPF, the harm to the green belt carries substantial weight against the proposal.
40. The development would also cause harm to the historic settings and significance of the five listed buildings in the vicinity, contrary to the aims of OLP Policy 24 and PFE Policy JP-P2. Having regard to NPPF paragraph 215, that harm is not outweighed or justified by the public benefits identified. In the light of NPPF paragraph 212, it seems to me that the harm to these designated assets carries great weight.
41. In addition, the proposal would conflict with the aims behind OLP Policies 1, 3 and 5, by locating residential development on a site with poor access by any mode of transport other than by car. This conflict adds further significant weight against the development.
42. Even when all of the scheme's public and private benefits are added together, it is clear that those benefits could not outweigh the combined weight of the harm that would be caused to the green belt, and to the heritage assets, and due to the shortcomings of the location in terms of accessibility. Still less would the benefits 'clearly' outweigh the harm, as they would need to do in order to amount to the 'very special circumstances' required by NPPF paragraph 153 in relation to green belt policy.
43. Having taken account of all the matters raised, it is evident that the conflict with the development plan is not outweighed by any other material considerations.

Conclusion

44. The appeal is therefore dismissed.

J Felgate

INSPECTOR

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004