



Appeal Decision

Site visit made on 21 January 2026

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2026

Appeal Ref: APP/W4223/W/25/3376260

The Barn, Diglea, Diggle, Oldham OL3 5LA

- 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 Ms Joe and Hannah Townsend and Leech against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is FUL/353485/24.
 - The development proposed is two storey dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the Diglea Conservation Area (DCA) and in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
3. The appeal site is also located within the setting of the Grade II Listed Building known as Prestbury Cottage, 8 and 10, Diglee (Prestbury Cottage). In determining this appeal I have a statutory duty, under Section 66(1) of the Act, to have special regard to the desirability of preserving the setting of the listed building, and any features of special architectural and historic interest.
4. Whilst not included as a reason for refusal on the Council's decision notice, having regard to my statutory duty, the main parties were given the opportunity to comment on the effect of the proposal on the setting of this listed building, and I have taken into account any comments raised.

Main Issues

5. The main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area, with particular regard to its effect upon the DCA and whether the setting of the nearby listed Prestbury Cottage would be preserved; and

- if the development is inappropriate, 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 in the Green Belt

6. The appeal site is located within the Green Belt. 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, Policy JP-G9 of the Places for Everyone Joint Development Plan Document (2024) (PfE), seeks to enhance the beneficial use of the Green Belt without harm to its openness, permanence or ability to serve its five purposes. These policies conform with the provisions of the Framework.
7. 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.
8. The Framework further establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraphs 154 and 155.
9. Paragraph 154 of the Framework includes amongst other exceptions; e) limited infilling in villages; and g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
10. With regard to the exceptions relating to 'grey belt' locations at paragraph 155 of the Framework, the Council state that these are not engaged in this case and this has not been disputed by the appellant.

Limited infilling in villages

11. In respect to whether the appeal site is located within a village, both parties have referred to established case law¹ (Wood case) which found that the boundary of a village defined in a local plan may not be determinative in considering whether a site is within a village and regard should also be had to the 'on the ground' situation. The appellant has also drawn my attention to a nearby appeal decision² at Hawthorn Cottage where the Inspector concluded that site to be within the village of Diggle.
12. Whilst I have not been provided with all the details of that appeal decision, there appears to be no dispute between the parties that the appeal site is located within

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWWA Civ 195

² APP/W4223/W/19/3227776

a village for the purposes of the Green Belt assessment. From the evidence before me and my observations on site, I see no reason to disagree.

13. With regard to limited infill, the Framework does not include a definition of 'limited infilling'. However, the Tate Court of Appeal judgment³ established that whether a development constitutes limited infill or not is a matter of fact and planning judgement for the decision maker. I have therefore reached my own conclusions on this matter taking into account the nature and size of the proposed development, the location of the site and its relationship to existing adjoining and adjacent development.
14. In this regard, the highway identified on the submitted location plan as "Diglea" is defined by linear built form with the properties on the south side predominantly fronting directly onto the highway. The proposed dwelling would be accessed through an existing gap between two properties and would be sited on a parcel of land situated behind the properties fronting this highway. The proposed dwelling would therefore occupy a backland position, set back from the highway.
15. When viewed from this highway, the appeal site does not appear as a gap within an otherwise built frontage and does not form part of the established row of linear built development on this side of the highway. I find the proposed development would therefore not infill an existing gap to complete a built-up frontage along this highway.
16. In coming to this view, I note there is a detached garage situated in the rear garden area of the dwelling directly to the west of the appeal site. However, this garage is single-storey in height and I observed it as an ancillary building to the main dwellinghouse fronting onto the highway. It is therefore markedly different to the appeal proposal which would introduce a two-storey dwelling behind the main built linear pattern of development on this side of the highway.
17. Furthermore, to the east of the appeal site is a building identified as a Bed & Breakfast (Sunfield Stables). Whilst I acknowledge that this building is set back from the highway, it still has a frontage directly facing onto it. Again, this is different from the appeal scheme where the proposed dwelling would be located behind the house and garden area of no.10 Prestbury Cottage. Additionally, the proposed dwelling would extend further back from the highway than this existing neighbouring building to the east.
18. The appellant has made reference to an appeal decision⁴ at Land off Steadway where the Inspector deemed that to qualify as infilling a proposal "*...must fill a space or gap between other buildings or structures, whether within a continuous built up frontage or within built development*". Whilst I acknowledge that Inspector's view on what constitutes infilling, I have been provided with very limited details in respect of that appeal proposal; site; and its wider context. I cannot therefore draw any direct comparisons between that appeal and the scheme before me. In any case, I must consider this appeal on its own merits and using my own planning judgement of the site specific circumstances, and surroundings.
19. In view of the above, I find that the proposal would appear as a backland development tucked behind the existing linear form of built development fronting onto the south side of this highway. I therefore conclude that the proposed development would not represent limited infilling to satisfy the exception at paragraph 154 (e) of the Framework.

³ R (Tate) v Northumberland County Council v Susan Leffers-Smith [2018] EWCA Civ 1519

⁴ APP/W4223/W/23/3319500

Redevelopment of previously developed land

20. The appellant states that the appeal site falls within the ownership of The Barn at no. 7 Diglea and constitutes garden land to this dwelling. The appellant therefore asserts that because the appeal site relates to a garden within a rural area, it should be classed as previously developed land as per the definition in the Framework, quoting case law⁵ in support of this claim.
21. The Council disagree however, stating the appeal site is an open paddock in a backland location, and that it does not therefore constitute previously developed land. Furthermore, I note the appellant's submitted Heritage Statement describes the appeal site as "...*largely undeveloped, consisting of open grassed land*".
22. In respect of this matter, neither party has helped me by providing any substantive evidence to support their claims. As such, drawing from what little evidence there is, and based on my observations on site, I found that whilst the appeal site and The Barn share an access off the highway of Diglea, the appeal site had the appearance of a separate parcel of land with limited association with The Barn. Furthermore, I observed very little evidence during my visit that this area was being used as a garden.
23. As such, and based on my observations, I did not find that the appeal site represents a garden area for the residential property at The Barn. Additionally, no substantive evidence has been provided to demonstrate that it has been lawfully developed, as required by the definition of previously developed land within the Framework.
24. The appellant has also evidenced, through historic Ordnance Survey, that there was a stable building on this site. However, it is stated that this was demolished in the 1960/70's and I observed that the remains of this structure, and any associated fixed surface structure, have blended into the landscape. For this reason, I also find the existence of a historic stable building does not mean that the site meets the definition of previously developed land within the Framework.
25. Consequently, based on the evidence before me and my observations on site, I conclude that the appeal site does not represent previously developed land as per the definition in the Framework. The proposed development would not therefore constitute an exception under paragraph 154(g) of the Framework.

Summary

26. For the reasons given, I have concluded that the proposed development would not represent limited infilling and the appeal site is not previously developed land. As none of the other exceptions permitted within the Framework apply, the proposal would conflict with Local Plan Policy 22 and PfE Policy JP-G9. Therefore, when judged against the wording of both local and national policy, I conclude that the appeal proposal would represent inappropriate development in the Green Belt.

Effect on openness

27. Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. Openness has spatial as well as visual aspects.

⁵ Dartford BC v SSCLG [2017] EWCA Civ 141

28. The appeal site consists of undeveloped, open grassland, devoid of any structures, except for the sections of stone walls and fencing defining its boundaries, and a low lying, loose laid, dry-stone wall used to support the change in land levels. Its eastern boundary is currently screened by a row of mature conifer trees and some mature trees separate the appeal site from the agricultural fields to the south.
29. Nevertheless, I observed that the appeal site, and its green character, are visible from public vantage points along the Public Rights of Way (PROWs) to the south, as well as gaps between existing built development fronting onto the highway of Diglea. Therefore, in its present state, the site makes a positive contribution to the openness of the Green Belt.
30. The erection of a two-storey dwelling, along with the associated works and domestic paraphernalia, would result in built development that would occupy a space that is currently not built upon, except for the low stone wall. The appeal proposal would inevitably therefore reduce the spatial openness of the Green Belt. Furthermore, the appeal proposal 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.
31. In visual terms, whilst the existing vegetation on the boundaries would provide some screening, the proposed two-storey dwelling, along with the associated works and paraphernalia, would be visible from public vantage points along the highway of Diglea through existing gaps between properties. Most noticeably between The Barn and Presbury Cottage, as well as the gap between Prestbury Cottage and the adjacent B&B at Sunfield Stables. It would also be visible from the PROWs to the south. As such the appeal proposal would have a greater visual impact on openness than the existing open grassland site.
32. In view of the above, I find the development for 1no. dwelling into an area of land that is currently vacant and devoid of any built development, with the exception of the existing low wall, would have a moderate harmful impact upon the openness of the Green Belt, both in spatial and visual terms. The proposal would also conflict with the purpose of the Green Belt which seeks to safeguard the countryside from encroachment. These identified harms would be in addition to the inappropriateness of the scheme.
33. Therefore, I conclude that the proposal would cause moderate harm to the visual and spatial openness of the Green Belt. I consequently find conflict with Local Plan Policy 22, PfE Policy JP-G9, and the Framework, in so far as these policies set out that openness is an essential characteristic of the Green Belt and one of the purposes is to safeguard the countryside from encroachment.

Character and appearance

Character appearance and significance of heritage assets

34. The appeal relates to a parcel of grassland located within the DCA. The DCA covers the historic core of the small hamlet of Diglea, which has historic ties to both agriculture and the 18th/19th century textile industry. The DCA is located within a wider rural landscape comprising open fields, with mature trees, leading to the wider uplands.
35. I observed on site that the significance of the DCA is in part derived from the tight clusters of traditional stone buildings situated in a linear formation along the main through road. However, glimpses of the wider countryside beyond this existing built

development are afforded from this highway, particularly views to the south.

Furthermore, the existing green and verdant setting of the land surrounding this tightly developed hamlet distinguishes the built development from the surrounding rural activities in this area and further contributes to the significance of the DCA as a whole.

36. In terms of the appeal site itself, I found its green and open nature assists in creating the transition between the built development fronting onto the highway and the open fields situated to the south. In its undeveloped state the appeal site therefore makes a positive contribution to the character and appearance of the DCA.
37. To the north, between the appeal site and the highway, is the Grade II Listed Prestbury Cottage which according to the listing description dates from the late 18th and 19th Century. This attractive former weaver's cottage consists of two residential properties, one three-storey and the other two-storey. It has hammer-dressed watershot stone walls, with a graduated stone slate roof, and recessed stone mullion windows. I found these features to be of architectural interest, and they collectively contribute to the aesthetic significance of this designated heritage asset.
38. Furthermore, I find that this listed building's significance also derives from its association with the historic agricultural character of the surrounding land, with its rear elevation prominently overlooking the appeal site and the agricultural fields situated beyond, to which it would have formerly had some association with. The open land to the rear also forms an important part of this listed building's setting as it allows for relatively long-distance views towards its rear elevation from public vantage points along a number of PRow's to the south.

Effect of the proposal

39. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Paragraph 213 of the Framework states that any harm to the significance of a designated heritage asset from development should require clear and convincing justification.
40. I commend the traditional design of the proposed dwelling and this, along with its construction using appropriate materials, would ensure that it reflects the architectural character and style of surrounding properties.
41. However, the siting of the proposed dwelling would represent a backland development at the rear of the existing built form on the south side of the highway. I find this would disrupt and confuse the existing strong linear pattern of development found on the southern side of this highway.
42. Whilst I did observe that there are some existing backland developments within the DCA, these were largely located to the north of the historic built development and therefore on the opposite side of the highway to the appeal site. Furthermore, given the rising topography of the land to the north, I found that these existing backland developments do not have the same visual impact as the appeal proposal would, given that it would be more prominently viewed from the land to the south.
43. Additionally, I also find the proposed two-storey dwelling would interrupt and block some existing views out from the DCA into the surrounding countryside, particularly views currently provided from the highway around The Barn, Prestbury Cottage and Sunfield Stables.

44. In view of the above, I find that the siting of the appeal proposal would cause harm to the character and appearance of the area, and it would not preserve the character or appearance of the DCA.
45. With regard to the adjacent listed building, given the proximity between the proposed dwelling and this listed building, I find the proposal would be prominently viewed within the setting of this designated heritage asset.
46. I acknowledge that the appeal site is situated at a lower land level in comparison to this listed building and this, along with its proposed siting to the south, lead me to find that views of this listed building from the highway of Diglea to the north would be preserved.
47. However, when viewed from the public vantage points along the PROWs to the south, even being set at a lower level, I find that the proposed two-storey dwelling would reduce and block prominent views of the rear elevation of this listed building, including features of architectural interest.
48. Furthermore, I find that this listed building has a historic association with the agricultural land it currently overlooks to the south of the currently open and undeveloped appeal site. The proposed two-storey dwelling and associated works would however visually block and cut-off this direct visual relationship, causing harm to the significance of this listed building by way of development within its setting.
49. In view of the above, I find that the proposed development would undermine both the prominence and status of this listed building by blocking and disrupting views from public vantage points to the south. It would also disrupt this listed building's historic and visual connection with the agricultural land to the rear. The proposal would therefore harm the significance of this listed building by way of development within its setting, as well as obscuring features of architectural interest which also contribute to its significance.

Public benefits and conclusion on heritage assets

50. For the reasons given, I find the proposal would lead to less than substantial harm to the significance of the DCA, with the level of harm being at the lower end of that spectrum. Furthermore, I find the proposal would lead to less than substantial harm to the significance and setting of the Prestbury Cottage listed building, with the level of harm being at the middle end of that spectrum. Mindful of my statutory duties, I give these harms considerable importance and weight.
51. Paragraph 215 of the Framework requires that where a proposal would lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
52. In this regard, the most recently published Housing Delivery Test results indicate that the Council's delivery of housing was 91% of the housing requirement over the previous three years. As such, the delivery of one additional family dwelling, with access to nearby facilities, is a benefit arising from this proposal as it would positively contribute to the Council's housing land supply, albeit in this respect the benefits of a single dwelling would be moderate.
53. Public economic benefits would arise from the proposal, including contributions to the local economy during the construction phase of the development. These

however would be short term benefits. In accordance with paragraph 83 of the Framework further economic benefits would also arise from additional spending in the nearby village of Diggle, as well as the wider rural area, by future occupants of the dwelling. Cumulatively, given the scale of development the economic support to the area arising from the appeal proposal would be relatively small. I therefore attach limited weight in respect of the economic benefits.

54. The proposal would also provide the opportunity to increase biodiversity on the appeal site and also provide additional landscaping. However, given the scale of the development site, I attribute these public environmental benefits limited weight in favour of the proposal.
55. As such, when taken together, I find that the above-mentioned public benefits do not outweigh the considerable importance and weight I must attach to these designated heritage assets.
56. In view of all the above, I conclude the proposal would harm the character and appearance of the area. Furthermore, it would not preserve or enhance the character or appearance of the DCA, and it would diminish the significance of the adjacent listed building by development within its setting.
57. The proposal would therefore conflict with Local Plan Policy 24 and Policy JP-P1 of the PfE. These policies together require amongst other things, that development proposals must have regard to national guidance and policies on the historic environment; and protect, conserve and enhance the architectural features, structures, setting, historic character and significance of listed buildings and conservation areas. The proposal would also fail to satisfy the relevant sections of the Framework and the requirements of the Act.

Other considerations

58. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
59. As mentioned previously, I give moderate weight to the benefits arising from the provision of a single dwelling towards the Council's housing supply position, and given the scale of the development, limited weight to the economic and environmental benefits.
60. The appellant states that the proposed dwelling would be a self-build property and I acknowledge paragraph 73(b) of the Framework supports small sites to come forward for self-build and custom-build housing.
61. The parties have not however provided details on the level of need for self-build plots within the authority, as per the self-build register, or details of how many self-build plots have been granted consent.
62. Moreover, in order to meet the legislative requirements for self/custom-build housing, and therefore meet the statutory duty, developments must be adequately secured as such.

63. In this regard, the appellant states that the proposed dwelling can be secured as self/custom-build housing by a planning condition or a planning obligation. The appellant has provided a draft planning obligation with this appeal, however it is not signed. Furthermore, the appellant has not provided any suggested wording for a planning condition to secure the property as self/custom-build housing and in my view securing the development as self/custom build housing via a planning condition is unlikely to be enforceable and therefore would not meet the requirements of paragraph 57 of the Framework.
64. Consequently, in the absence of any detailed information in respect of self-build plots within the borough and a mechanism to secure this provision, I give the self-build consideration limited weight in favour of the appeal proposal.

Green Belt Balance

65. The appeal 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.
66. Furthermore, for the reasons given, the proposal would also cause harm to the character and appearance of the area, would not preserve or enhance the character or appearance of the DCA, and would diminish the significance of the adjacent listed building by development within its setting. I attribute considerable importance and weight to the harm to these designated heritage assets.
67. 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 weigh in favour of the appeal proposal, the weight of these other considerations does not clearly outweigh the totality of the harm arising to the Green Belt, the character and appearance of the area, and designated heritage assets.
68. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

69. 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, and having regard to all other matters raised, the appeal is dismissed.

R Major

INSPECTOR