



Appeal Decision

Site visit made on 26 February 2026

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 28th April 2026

Appeal Ref: APP/W4223/W/25/3359774

Land to the southern side of Cragg Road, Chadderton, Oldham OL1 2RX

- 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 Ms D Scholes & Ms H Smith against the decision of Oldham Metropolitan Borough Council.
 - The application Ref is FUL/350640/23.
 - The development proposed is the demolition of existing outbuildings and erection of 4 no. detached dwellings with associated landscaping.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. During the appeal, the Council confirmed that its most recent corrected Housing Delivery Test (HDT) performance for the three-year period from 2020/21 to 2022/23 was 83 per cent and that it can demonstrate a deliverable housing land supply equivalent to 6.7 years. The Council explained that this position incorporates, and exceeds, the 20 per cent buffer required as a consequence of the HDT result. It also confirmed that, as the adopted Places for Everyone Joint Development Plan 2022–2039 (PfE) is less than five years old, policy JP-H1, which sets out Oldham's housing requirement, remains up to date. The appellant had the opportunity to comment on this but did not provide a response.
3. The National Planning Policy Framework (the Framework) was updated in December 2024, including minor clarifications issued in February 2025. Of direct relevance to this appeal, Section 13, which covers Green Belt, was amended. The appellant has commented on the revised Framework and the Council and interested third parties have had the opportunity to respond during the appeal process. I have therefore considered the revised Framework in my assessment of the appeal.
4. The appellant has submitted an Arboricultural Report and Arboricultural Impact Assessment prepared in accordance with BS 5837:2012 by JCA Limited (reference 20751/DK, dated 25 August 2023) for the appeal site (the AR&AIM Report). The appellant indicates that this document was submitted at the application stage but was not taken into account by the Council. The Council has raised no objection to its submission and has not disputed its findings. The AR&AIM Report does not alter the proposed development but provides additional detail on the likely effects of the proposal on existing trees and the Council and interested third parties have had the opportunity to comment on it. The introduction

of this material would not prejudice any party, and I have taken it into account in determination of the appeal.

Main Issues

5. The main issues in determination of the appeal are:
- whether the proposal is inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework, including where relevant, the effect on openness and purpose;
 - the proposal's effect on existing trees;
 - the proposal's effect on highway safety; and
 - if the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

6. The appeal site lies within the Green Belt and comprises a parcel of land accessed from the southern side of Cragg Road. It contains the dilapidated remains of buildings associated with a former poultry farm, together with a central hardcore-surfaced access track, all of which are in a poor state of repair. The land is largely overgrown and has a combination of mature trees and planting to its boundaries and mature hedgerow and vegetation along its road frontage. There are a number of residential properties nearby, and the River Irk runs to the south.
7. The wider landscape comprises a mix of open fields with clusters of housing and other development, interspersed with groups of mature trees that contribute to its semi-rural character. The immediate landform is shaped by the river valley, beyond which the land rises.
8. The proposal would clear the site, and construct four two-storey detached houses, with associated access arrangements, parking and private garden areas.

Whether the proposal is inappropriate development

9. The Government attaches great importance to Green Belts, whose essential characteristics are their openness and permanence. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
10. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It further sets out at Paragraphs 154 and 155, exceptions where development may be regarded as not inappropriate.
11. Policy 22 of the Oldham Local Development Framework Development Plan Document – Joint Core Strategy and Development Management Policies 2011 (OLP) states that development in the Green Belt will only be permitted where it does not conflict with relevant policies at national level. Policy JP-G9 of the PpE reiterates the purposes of the Green Belt and the benefits of its appropriate use. While broadly aligned with the Framework, these policies are less detailed regarding the exceptions, and I afford greater weight to the Framework.

12. The Council advises that the proposal does not fall within any of the exceptions set out in Paragraph 154 of the Framework and the appellant accepts this. In the absence of evidence to the contrary, I have no reason to disagree with this position.
13. Notwithstanding this, the appellant details that the proposal falls within the exception of Paragraph 155 of the Framework which states that development for homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where: (a) the development would utilise grey belt land and 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 the Framework.
14. Grey belt is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143.
15. While the development may be capable of satisfying the grey belt criteria, even if that were assumed, Paragraph 155(b) of the Framework requires there to be a demonstrable unmet need for the type of development proposed. Footnote 56 to this paragraph explains that, in the case of housing, an unmet need would be demonstrated where the local planning authority cannot show a five-year supply of deliverable housing sites, including any relevant buffer, or where the HDT result is below 75 per cent over the previous three years. As set out previously, the Council can demonstrate a deliverable housing land supply equivalent to 6.7 years, including the required buffer. Further, the corrected HDT result exceeds the 75 per cent threshold. This position was not disputed by the appellant, nor was any alternative evidence of unmet housing need provided. Accordingly, even if the other criteria in Paragraph 155 were satisfied, the proposal would not meet the requirements of this exception.
16. Reference is also made to Paragraph 156 of the Framework. However, this provision does not apply to minor development and is therefore not relevant.
17. For the above reasons, the development fails to meet the exception set out in Paragraph 155 of the Framework. No alternative exception has been identified by the main parties, and I see no reason to take a different view. Accordingly, the development constitutes inappropriate development in the Green Belt.

Openness and purpose

18. The Framework identifies openness as an essential characteristic of the Green Belt and the Planning Practice Guidance explains that openness has both spatial and visual aspects.
19. The appeal site boundaries are currently largely enclosed and visually contained by the mature trees and planting. This vegetation is integral to the site's current character, providing effective visual containment and helping to integrate the land into the surrounding semi-rural landscape.
20. Although the proposal would retain some elements of the boundary trees and planting, it would necessitate the removal of a substantial proportion of these

areas. While it is detailed that mature trees would remain to the southern boundary and these would interrupt long distance views from the open land, I am not convinced that this would be the case. From my site observation, the proposed removal would in all probability significantly reduce the appeal site's containment and substantially expose the proposed built form to wider views from the surrounding area. Despite the presence of some nearby development, the introduction of the new housing would therefore be readily perceptible and appear as a prominent and urbanised feature within what is presently a predominantly open and semi-rural setting.

21. As a result, the development would have a clear spatial and visual impact on the openness of the Green Belt. This would reduce both the perceived openness of the site itself and its contribution to the wider sense of openness in this part of the Green Belt.
22. Further to this, Paragraph 143 of the Framework identifies the purposes of including land within the Green Belt, one of which is to safeguard the countryside from encroachment. While the proposal would not undermine most of the purposes detailed, it would introduce a visually prominent and intrusive form of development into land that currently reads as part of the countryside. In doing so, it would represent an encroachment of built development into an otherwise semi-rural area, conflicting with this purpose of the Green Belt.
23. Taken together, the removal of established boundary vegetation and the introduction of new residential development would result in significant harm to both the openness of the Green Belt and its purpose of safeguarding the countryside from encroachment.

Existing trees

24. The AR&AIM Report states that its findings are valid for a period of one year from the date of issue. As that period has now elapsed, the report must be regarded as out of date and would require review and updating to ensure that it accurately reflects current site conditions and tree health.
25. Despite this limitation, the report provides an assessment of the existing trees, their condition and the extent of tree removal required in 2023. It also identifies those trees proposed for retention and outlines indicative mitigation measures. The proposed removals and retentions are set out in Appendix 1, Tree Descriptions and Recommendations, and illustrated on Appendix 6, the Arboricultural Implications Plan. This includes the removal of tree T2 and a Common Ash within group G6 on public safety grounds. To facilitate the development, tree T7, tree group G9, and parts of tree groups G5 and G6 would also be removed. While the report notes a range of tree growth issues, it also confirms that a number of those proposed for removal are BS 5837 Category B specimens, which represent some of the most valuable landscape features on the appeal site.
26. While the report justifies limited tree removal on safety grounds, it provides little evidence that the proposal has been informed by an arboricultural-led design approach seeking to retain the existing trees, particularly the Category B specimens. Beyond stating that their removal is necessary to accommodate the layout, there is no detailed assessment of alternatives that may have been able to minimise harm. As the trees identified for removal make an important contribution

to the appeal site and surrounding area's landscape character, their loss would result in significant harm.

27. While replacement trees and planting are proposed, secured by condition, I am not convinced that this would be adequate in mitigating the harm caused. No evidence has been provided to show that any new trees or planting would be able to replicate the maturity, screening or landscape function of those lost.
28. For the above reasons, the proposal would result in unacceptable harm to existing trees and would conflict with Policy D1.5 of the OLP and Policy JP-G7 of PfE. These policies seek, among other matters, to ensure that new development protects existing trees and conserves and manages those with an aesthetic value.

Highway safety

29. Cragg Road is a narrow carriageway without footpaths, lit by street lighting and serving a range of residential properties along its length.
30. From my observations, the most likely principal route to and from the site would be via Mill Brow and St Bridge Road, given their more direct connections to public transport, shops and other local services. This section of Cragg Road benefits from good forward visibility, some passing places and a reasonably open alignment, allowing vehicles, including emergency vehicles, as well as pedestrians, cyclists and horse riders, to see one another clearly and pass safely.
31. Although the section of Cragg Road in the opposite direction is more constrained, with boundary features such as hedges, walls and buildings, and reduced visibility resulting from bends in the road, my observations indicate that it offers fewer direct connections to public transport, shops and services. Consequently, it would, in all probability, be used less frequently by future residents or visitors. There is therefore little to indicate that the proposal would give rise to an unacceptable increase in traffic conflicts along this stretch of the road compared to the existing situation.
32. Given the above and the road's restricted width and simple, rural form, vehicle speeds are likely to be generally low. While I acknowledge that my site visit provides only a snapshot in time, the vehicles I saw using the road were driven cautiously and at low speeds, consistent with the character and constraints of the road.
33. No evidence of recorded traffic accidents on Cragg Road has been presented and the proposal would serve only four dwellings via a private access road, resulting in a modest level of additional traffic. Given the limited scale of development, the road's low speed, and the continuation of the existing road arrangement, there is no compelling evidence that there would be an unacceptable increase in the risk to any road users. In this context, the absence of pavements would not be uncharacteristic, nor would it unacceptably undermine highway safety.
34. In addition, due to its narrow design and short length, low vehicle speeds would be expected on the proposed development's access. The use of shared surfaces for a development of this size would not be uncommon, and no evidence has been presented to show it would be unsafe for future residents or visitors.
35. In terms of servicing and deliveries, no evidence has been presented to indicate that the existing arrangements for nearby properties are unsafe or that the limited

scale of the proposed development would worsen them. Smaller service vehicles, such as delivery vans, would be able to enter and leave the site safely using the proposed turning head. Refuse vehicles would not need to enter the site, with bins collected from a designated point adjacent to Cragg Road. Any brief stopping on Cragg Road would reflect current servicing arrangements for nearby dwellings and this would not result in unacceptable impacts on highway safety.

36. Although the Highway Authority objected to the proposal, it did not provide substantive evidence to support its concerns or to demonstrate that the development would result in harm to highway safety.
37. Accordingly, taking the above details together, the proposal would not result in harm to highway safety. It would therefore accord with Policy 9 of the OLP, Policy JP-C8 of PfE and Paragraph 115 of the Framework, all of which seek to ensure that new development does not compromise the safety of road users and makes adequate provision for servicing and deliveries.

Other considerations

38. The proposal would contribute to housing supply through the delivery of family housing on a small, partly untidy brownfield site. However, given the Council's confirmed five-year supply of deliverable housing land, including the appropriate buffer and no evidence to show similar alternative sites are not available, these benefits attract moderate weight in favour of the proposal.
39. Some economic benefits would be generated through such things as short-term employment during the construction phase and ongoing support for the local economy from future residents. However, the construction benefits would be temporary, and while the housing would provide a long-term economic contribution, no evidence has been provided to show it would provide anything other than that expected of a residential development of this size and type. There is also no evidence to show that similar economic benefits could not be reasonably achieved through residential developments in less sensitive locations. Having regard to this and the Council's confirmation of a five-year supply of deliverable housing land, I attribute limited weight to these economic benefits.
40. The proposed housing would be of an appropriate standard. It would comply with Building Control requirements, utilise materials reflective of nearby development, meet the nationally described space standards, and provide biodiversity net gain and landscaping. Acceptable levels of amenity and privacy would be achieved, and the scheme would incorporate energy-efficient measures, renewable energy and sustainable drainage, while being located outside areas at risk of flooding. It would also offer reasonable accessibility to services, public transport, walking and cycling routes, and public open space, without placing undue pressure on existing infrastructure, highways or local services. However, these matters are generally expected of new residential development of this nature, and no evidence has been submitted to demonstrate that the proposal would exceed these baseline expectations. Consequently, these matters attract limited positive weight towards the proposal.

Planning Balance

41. The appellant refers to a range of development plan policies and provisions of the Framework in support of the proposal. While these policies are relevant

considerations, they do not confer automatic or unconditional support for development. They must be read as part of the development plan as a whole and in the context of national policy, including those which afford substantial weight to the protection of the Green Belt and retention and protection of existing trees.

42. The proposal harms existing trees and is inappropriate development in the Green Belt. It significantly harms openness and the purpose of the Green Belt and Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt, including harm to its openness.
43. While the proposal would not adversely affect highway safety, this is expected of new development and is therefore a neutral factor in the planning balance. The other considerations advanced in support of the proposal attract limited to moderate weight when assessed individually. Even when taken cumulatively, they amount to no more than moderate overall weight in favour of the proposal. This is insufficient to clearly outweigh the identified substantial weight given to the harms. Accordingly, the very special circumstances required to justify inappropriate development in the Green Belt has not been demonstrated.
44. Further to the above, given the identified harm to the Green Belt and the unacceptable impact on existing trees, the proposal would fail to meet the environmental objective of the Framework and, when taken as a whole, would not constitute sustainable development.

Conclusion

45. For the reasons given above and considering all other matters raised, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR