



Appeal Decision

Site visit made on 6 March 2026

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 12 May 2026

Appeal Ref: APP/G4240/W/25/3376330

Land North of Alney, Uplands Road, Hyde, Tameside SK14 3AD

- 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 Wynne against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 25/00747/FUL.
 - The development proposed is Demolition of existing building and erection of one detached four bedroom dwelling, Use Class C3, with associated access, parking, landscaping and boundary treatments. Change of use of land to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarity I have used the site address as provided on the decision notice and appeal form as this is more precise than the application form.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt and, if so:
 - The effect on the openness and purposes of the Green Belt;
 - Whether or not any harm by reasons 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

4. The appeal site is a large plot of land which has a small building located to the rear of the site and is otherwise covered in grass and other vegetation, with sloping topography. The site has mature trees along its boundaries. A golf club, clubhouse and car parking area is located to the east of the site with large dwellings set in spacious grounds located to the west, southwest and north of the appeal site. The site is located on the corner of Werneth Low Road and Uplands Road a public right of way.

Inappropriate development in the Green Belt

5. The building is located within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to

the Green Belt and should not be approved except in very special circumstances. Paragraphs 154 and 155 of the National Planning Policy Framework (the Framework) set out exceptions whereby development would not be inappropriate.

6. Policy JP-G9 of the Places for Everyone Joint Development Plan (JDP) sets out the purposes of the Green Belt which align with those as set out in the Framework at paragraph 143. The policy states that the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes.
7. The proposed development is for the demolition of the modest existing building on the site and its replacement with a large four-bedroom dwelling with carport, terraces and swimming pool. The dwelling would be located towards the front of the site. The proposed dwelling would appear as single storey from the front elevation, however, is two storey as it extends further back into the site, due to the site's topography.
8. The Council's evidence states that the proposed development does not fall within any of the exceptions as set out in the Framework. The appellant's evidence says that the dwelling would replace an existing building and is described as a replacement dwelling, however the appellant's design and access statement states 'The site does not fall within a defined village envelope, nor does the proposal represent a replacement dwelling. As such, the new dwelling does not meet the strict definition of an exception'. Therefore, notwithstanding the dwelling's position in relation to other dwellings, the proposal would not meet the exception under paragraph 154 e) limited infilling in villages.
9. In addition, even if paragraph 154 d) were applicable here it sets out the exception of inappropriate development as being: the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
10. The existing building is described as a disused single storey outbuilding and, within the appellant's planning appeal statement, as a derelict structure with no current commercial or agricultural activity. The proposal also includes the change of use the land to residential. Therefore, from what I have seen and read, I consider that the existing use on the site is not residential, and therefore the existing building is not in residential use. As the proposed replacement building would not be in the same use as the existing building and would be materially larger than the building it replaces, it does not meet the criteria set out in paragraph 154 d) of the Framework and therefore does not fall within this exception.
11. However, it would be relevant to consider whether very special circumstances exist, which is set out below.
12. In conclusion, I consider that the scheme does not fall within any of the exceptions listed in the Framework, therefore is inappropriate development within the Green Belt.

Openness and purposes

13. Openness has both spatial and visual aspects. There are other dwellings near to the site and the dwelling would not be in an isolated location. However, when assessing the openness in the context of the appeal site, the building would

appear as single storey from the front due to the site's topography, it would present as predominantly two storeys in height and result in significant bulk and mass overall, arising from the scale of development proposed. This is despite the removal of the existing building along the rear boundary. The proposed dwelling would be substantial in terms of its height, bulk, and mass, and due to its siting towards the centre of the plot, an area currently characterised by an absence of built development, it would erode the sense of openness. As such, the development would fail to preserve openness in this location.

14. The building would unlikely be highly visible from public vantage points especially along Werneth Low Road, owing to the presence of the dry-stone walls and mature trees surrounding the site, which provide a reasonable degree of screening and containment. Furthermore, the incorporation of a flat green roof and a stepped design, which sets the dwelling lower into the landscape, assists in reducing its overall prominence. However, it would be more visible from views along Uplands Road.
15. Nevertheless, for the reasons given above, I do not consider that the proposed dwelling would preserve openness.
16. With regard to the purposes of the Green Belt, due to the remote rural location of the building, I do not find paragraphs a, b, d or e, to be directly applicable to this case. However, having regard to paragraph c), due to the level of containment of the site the proposal would assist in safeguarding the countryside from encroachment and therefore there would not be any direct conflict with the purposes of the Green Belt.
17. Nevertheless, for the above reasons, I conclude that there would be harm to the openness of the Green Belt. Therefore, the proposal would conflict with Policy JP-G9 of the JDP which advises against harm to the Green Belt's openness, permanence or ability to serve its five purposes.
18. Policy 1.10 of the Tameside Unitary Development Plan (UDP) relating to nature conservation considerations and biodiversity and does not directly link to the harm identified in the main issue, therefore I find no specific conflict with Policy 1.10 when reaching my conclusion on this main issue.

Other Considerations and Very Special Circumstances

19. The design of the proposed dwelling responds to its landscape context, using natural materials that complement the rural setting, with a sustainable design with low energy demand, renewable energy and digital connectivity. High quality, sustainable design is supported in the Framework and through local policy C1 of the UDP. However, as the proposal is for a single dwelling, the benefits would attract moderate weight in this case.
20. The proposal incorporates planting of native species together with protection of trees during construction and removal of dead or diseased trees, biodiversity net gain, and sustainable drainage measures which the appellant states would improve the ecological value of the site and would resolve surface water issues. The application form indicates that the proposal would be self-build and therefore exempt from mandatory biodiversity net gain, and due to the scale of the proposal for a single dwelling the additional planting together with tree works and protection measures would attract modest weight in this case.

21. The appellant's evidence states that the proposal would provide an additional family dwelling with public transport options nearby. The proposal would provide an additional dwelling, which would contribute to the Council's housing land supply. However, due to the location of the single dwelling, this would only attract modest weight in favour of the proposed development.
22. A benefit put forward for the proposed development is the removal of the existing building, and a representation has been made regarding the site's state of repair. Whilst the new development would remove the existing building, the building is reasonably well screened by vegetation, and therefore the visible benefits of its removal would be limited from outside the site, therefore this attracts only modest weight.
23. The evidence states that a benefit of the proposal is that it invests in the site and its boundaries, ensuring it is well managed. The maintenance of a site would be a neutral factor in the overall planning balance as this would be an expectation of any residential property.
24. I note that no objections have been received from the Council in relation to character and appearance, highways, ground conditions, flood risk, ecology and residential amenity, and a number of conditions have been suggested in respect of these matters. However, these matters would be a neutral factor in the overall planning balance as compliance in these areas would be an expectation of a proposal such as this.

Other Matters

25. The appellant has expressed general dissatisfaction with the decision making from the Council. This is not a matter for me to consider as part of this appeal. Therefore, I have determined the appeal based on the planning merits of the development only.

Planning Balance and Conclusion

26. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to the harm to the Green Belt by reason of inappropriateness due to the impact on the openness of the Green Belt. 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.
27. The proposal would be inappropriate development in the Green Belt and would result in harm to its openness. Having considered all matters raised in support of the proposal, including those set out above, these considerations, to which I have attributed modest and moderate weight do not clearly outweigh the substantial weight given to the harm to the Green Belt. Therefore, the very special circumstances required to justify the development do not exist.
28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it and for the reasons given above the appeal should be dismissed.

N Duff
INSPECTOR