



Appeal Decision

Site visit made on 10 June 2019 by S Witherley BA, PGDip, PGDip, Cert CIH, Assoc RTPi

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/G4240/W/19/3226399

Land Adjacent 30 Ivy Cottages, Denton, Tameside, M34 7PZ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Corbett against the decision by Tameside Metropolitan Borough Council.
 - The application Ref 18/00409/FUL, dated 2 May 2018, was refused by notice dated 17 January 2019.
 - The development proposed is for the use of an outbuilding as a two-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

- 3 The description of the development has changed from the application form and I have used this in the header above. I shall proceed on this basis. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issues

4. These are as follows: (1) whether the proposal would be inappropriate development in the Green Belt and (2) if it is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for recommendation

5. No. 30 is located at the end of a terrace row of two storey properties. An access road runs parallel with the terrace row and ends at the appeal property. The appeal building is a detached single storey L-shaped building with pitched roof and rendered walls and is in the side garden of the donor property. It is domestic in its appearance and given that the site rolls down to the east it sits low within the landscape. The side garden is bounded to the south and east by a high timber boarded fence and to the north by a dense wooded area. Across from the highway to the south is a garden and to the south east a large parking area. Between the latter and the boundary of the side garden is a footpath which provides pedestrian access to the side garden and the appeal building. Access is also provided from the road end into the side garden via double gates located at the south west of the site.
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6. Policy OL1 and OL2 of the Tameside Unitary Development Plan November 2004 (UDP) relate to development inside the Green Belt, re-use of buildings and land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it. The approach is broadly consistent with Green Belt policy found in the National Planning Policy Framework. Most relevant and pertinent to the appeal scheme, which involves the conversion of an existing outbuilding within the residential curtilage to no. 30, is paragraph 146 to the Framework. It states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Sub-section (d) falls within that exception and it states the re-use of buildings provided that the buildings are of permanent and substantial construction.
7. The drawings show a redline boundary around the proposed garden area associated with the appeal building and a blue line boundary around the garden area associated with the donor property. The argument is that the proposed conversion would result in a dwelling within the existing grounds to no. 30, and the outdoor amenity areas are currently used by the existing householder and would unalter. That line of argument overlooks the fact that the development would bring about a new self-contained residential unit of accommodation within the existing grounds to no. 30. The outbuilding may have been used for residential accommodation in the past, but the proposal would result in a physically and functionally separate dwelling-house. That type of use is likely to result in a significant visual change to the character of the building and the wider site.
8. A survey supports the appellant's argument that the outbuilding is a solid structure and is structurally sound and capable of conversion. The proposal would not increase the footprint of the building and there are existing boundary treatments that reduce views of the building. Nonetheless, given the type of use proposed, future occupants of the new dwelling are likely to require an outdoor area for residential use in connection with the dwelling-house. The subdivision of the plot would increase domesticity and spread of paraphernalia such as washing line, waste containers, and outdoor furniture. The development would result in additional comings and goings over and above those associated with the residential use of no. 30. Even the parking of additional vehicles within the site would reduce openness.
9. Contrary to the appellant's arguments, the development would lead to an intensified residential use and thus substantially diminish the open aspect of this part of the Green Belt. It would result in material loss in openness in visual and spatial terms. In addition, the development would encroach into the Green Belt given the nature and scale of the building's residential use. This would conflict with one of the purposes of designating land inside the Green Belt.
10. I find that the development would fail to preserve openness of the Green Belt and it would conflict with the purposes of including land within it. It would constitute inappropriate development in the Green Belt and conflict with Policies OL1 and OL2 of the UPD, and the Framework.

Other considerations

11. 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 any harm to 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. The appellant argues the following in support of grant of planning permission.

12. Permitted development rights for extensions and alterations, as set out in Schedule 2 Part 1 Class A to E to the Town and Country Planning (General Permitted Development) Order 2015 as amended, could be removed. It would be difficult, however, to control the use of the area around and about the appeal building in connection with the dwelling-house. This type of activity would result in the spread of domestic paraphernalia like washing lines and outdoor furniture. Additionally, Class Q to the allows a change of use of an agricultural building and any land within its curtilage to a residential use. The permitted development rights extend to buildings in the Green Belt. However, as the appellant concedes, the existing use as an ancillary garden outbuilding does not fall within an agricultural use. There are no permitted development rights to use the appeal building as a self-contained dwelling.
13. The site is located close to various facilities including shops. The claim is that the development would contribute to local housing stock, although a single dwelling is likely to add to the supply of housing in a limited way. In contrast, the scheme would result in significant environmental harm given the intensified residential use.
14. The outbuilding includes necessary facilities for day-to-day private domestic existence and the Council had no objection to its previous residential use. Application ref 06/01033/FUL was for a temporary change of use to dwelling. This line of argument overlooks the fact that permission was granted for in September 2006 until 13 March 2007 while improvements were carried out to no. 30. In contrast, planning permission is sought for its permanent residential use as a separate dwelling-house.

Planning balance

15. The proposed development would constitute inappropriate development which carries substantial weight. There is conflict with purposes of including land within the Green Belt, which is a serious planning objection. Accordingly, the development conflicts with local and national planning policies referred to above. The development would provide limited economic and social benefits but make a modest contribution to the housing stock. Furthermore, the planning history of the outbuilding is inconsequential given the temporary nature of the self-contained residential use. However, moderately some weight can be given to the potential imposition of conditions removing permitted development rights, but little weight, if any, to the fall-back type argument.
16. In my planning judgement, the advanced considerations in support of the appeal, whether taken individually to cumulatively, do not, on balance, clearly outweigh the conflict with planning policies designed to protect the Green Belt. There are no very special circumstances to justify the grant of a planning permission.

Conclusion and recommendation

17. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR



Costs Decision

Site visit made on 10 June 2019 by S Witherley BA, PGDip, PGDip, Cert CIH, Assoc RTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July

Costs application in relation to Appeal Ref: APP/G4240/W/19/3226399

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr N Corbett for a full award of costs against Tameside Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the use of an outbuilding as a two-bedroom bungalow.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises awards may be either procedural or substantive. The application for permission was recommended for approval but overturned by Members. They disagreed with the assessment and gave significant weight to the potential increase in residential activity. The applicant was disappointed with the outcome. However, the reason for refusal clearly referred to additional residential activity associated with the proposed development. Relevant local and national planning policy were cited. While the planning agent disagreed with the respondent's assessment, at appeal stage, sufficient evidence to substantiate the reason for refusal was submitted. I have disagreed with the applicant's case and the evidence presented does not show the respondent's refusal of the application amounts to unreasonable behaviour.
3. The applicant states an error in detail on the decision notice relating to the drawing numbers has caused confusion, time and expense. The plans submitted with the appeal were correctly annotated and the respondent's statement acknowledged this error. The evidence presented does not support the claim this misunderstanding led to significant aborted work and wasted expense. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs, partial or full, is unjustified in this case.

S Witherley

APPEALS PLANNING OFFICER

Inspector's Decision

4. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis this application is refused.

A U Ghafoor

INSPECTOR
