



Appeal Decision

Site visit made on 17 January 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/G4240/W/19/3239336

Field Adjacent Prospect House, Mottram Moor, Mottram SK14 6LA

- 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 Goldcom Properties Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00311/FUL, dated 4 April 2019, was refused by notice dated 29 July 2019.
 - The development proposed is the construction of 4 no. residential units and associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site lies within an area of Green Belt. Therefore, the main issues in this case are:
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework; and
 - b) The effect of the proposal on the openness of the Green Belt; and
 - c) Whether the development would preserve or enhance the character or appearance of the Conservation Area; and
 - d) If the proposal would 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 necessary to justify the development.

Reasons

Whether inappropriate development?

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions

- as set out in paragraph 145 of the Framework, these include e) the limited infilling in villages.
4. Whilst Policy OL1 of the Tameside Unitary Development Plan (UDP) does not include all of the exceptions listed in paragraph 145 of the NPPF, it does conform to the general thrust of national Green Belt policy insofar as it relates to preventing inappropriate development, preserving the openness of the Green Belt and only allowing uses which do not conflict with the purposes of including land within it, and is consistent with the Framework in this respect.
 5. The appellant submits that the development proposed would constitute limited infilling in villages and accords with criteria e) of paragraph 145 of the Framework. There is no formal definition of what constitutes an infill plot within the Framework, and the Council do not provide a definition in the adopted development plan. However, paragraph 6.11 of the appellant's statement refers to it as commonly defined as 'the infilling of a small gap within an otherwise built-up frontage or group of houses'. The Council have agreed with this definition in paragraph 2.3 of their statement. I concur with both parties that this is a reasonable definition for the purposes of this appeal.
 6. I have had regard, to the nature and size of the development proposed, the location of the appeal site and its relationship to existing adjoining development. The appeal site is located to the rear of the built up frontage along Mottram Moor, and on the outside edge of the built up area, the land is open and unmaintained, it encroaches into the open area to the south, and its covering of vegetation blends the site into the landscape. As such, it is not located in an otherwise built-up frontage.
 7. Whilst the appeal site is bordered to the west and north by an existing mews development known as the Smithy and Prospect House, the site is largely exposed to the east and open fields to the south. The appellant submits that glass houses, polytunnels and sheds within the nearby allotments enclose the site to the east. However, based on the submitted plans, reinforced by observations during my site visit, there is a gap in between the appeal site and the allotments, and the ground level of the appeal site is higher. Furthermore, the structures contained within the allotments are small, lightweight, low level and set within the open appearance of the allotment's gardens. For the reasons above the allotments do not have the effect of enclosing the site, which remains open in appearance to the south and east.
 8. Therefore, I am also not persuaded that the site forms a small gap or infill. Consequently, the proposed development would not constitute an exception under criterion e) of paragraph 145.
 9. I understand the previous use of the land was a bowling green. The definition of previously developed land contained in Annex 2: Glossary of the Framework excludes 'land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'. A bowling green would constitute a recreational ground, and the site has been allowed to become overgrown, semi-natural and blends into the landscape. Therefore, it would not meet the Framework definition, and also would not constitute an exception under criterion g) of paragraph 145.

10. Consequently, the proposed development would be inappropriate development in the Green Belt, contrary to saved Policy OL1 of the Tameside Unitary Development Plan (2004). Also, it does not accord with paragraphs 144, 145 or 146 of the Framework which seek to protect Green Belt land.

Effect on the openness of the Green Belt

11. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework.
12. The appeal site is located to the rear of the buildings, whilst not particularly visible from Mottram Moor, its open aspect is particularly visible from land and vantage points from the south east. Notwithstanding the presence of the adjacent buildings, the overriding open character of the site, which is generally free from built development, contributes to the openness of the Green Belt. The additional dwellings and resultant built form would harmfully encroach upon Green Belt having an urbanising effect.
13. I conclude that the appeal proposal would fail to preserve the openness of the Green Belt. Therefore, it would be contrary to the relevant Green Belt requirements of the Framework, including the fundamental aims in paragraph 133.

Effect on the Conservation Area

14. The appeal site is located within Mottram in Longdendale Conservation Area. I have been provided a copy of Conservation Appraisal (March 2013). The defining characteristics which contribute to the significance of the Conservation Area include, its setting within the Pennine foothills and surrounding agricultural land, its historic medieval origins, and the variety of building styles dating from the 19th and early 20th centuries. Many of the buildings are also constructed with distinctive locally quarried stone.
15. The appeal site is located south of Mottram Moor. The appraisal identifies this as pastureland, characterised by its openness, that allows glimpsed views to the Pennine Hills between some buildings on Market Street and views from Mottram Moor to the St. Michael's Church (Grade II* listed building).
16. I accept that the proposed development would encroach into this open area of land, and it would also be seen from the grounds of St Michaels Church. However, I note the appellant's Heritage adviser (Graeme Ives, dated 30 September 2019), concluded that the site makes 'a very slight contribution' to the views from the Church, and that the development would not impact on the understanding of the wider agricultural context of the village. In this regard, I concur with the appellant and that the proposed development represents a neutral impact on the significance of the Conservation Area.
17. Overall, I find that the development would not impact on the understanding of the wider agricultural and historical context of the village. Moreover, the proposal's appearance would be acceptable, and would not harm to views in or out of the Conservation Area. I therefore conclude that the proposal would preserve the Conservation Area. The development would accord with Policy C4 of the Tameside Unitary Development Plan, and paragraph 193 of the

Framework, which among other things seek to ensure that new developments preserve or enhance Conservation Areas.

Other considerations

18. The proposal would provide four additional homes in a generally accessible location, which would bring about modest social and economic benefits. There is no significant evidence to indicate that the Council cannot demonstrate the requisite housing land supply. However, the appellant states that housing delivery has only been at 66% of its housing requirement, based on the 2018 Housing Delivery Test results. While this indicates a significant delivery shortfall, and small sites can make a meaningful contribution to housing supply, four dwellings would have only a limited effect on housing supply and delivery in the borough.
19. I have had regard to the conclusions of the appellant's LVIA including the proposed mitigation in respect of views and the Green Belt. However, I have found that the proposed development would be inappropriate development, and would cause a loss of openness, which would not be overcome by the LVIA mitigation and conclusions.
20. The site has become overgrown, and its redevelopment would address that. However, the site could be tidied irrespective of the development proposed, so this attracts minimal weight.
21. I note that the proposed siting is intended to prevent harm to the living conditions of neighbouring occupiers with regard to privacy and light, there would be no significant effects on the operation of the local highway network, any tree loss could be mitigated by replacement planting, there are no statutory objections in relation to site drainage, parking provision would accord with local standards, and that no further surveys in relation to protected species have been identified as necessary.
22. With the exception of the harm to the Green Belt, the proposed development would not have any other adverse impacts. Whilst the proposal would make a limited contribution to housing and regeneration, in an accessible location, the other matters above attract minimal or neutral weight. Consequently, these other considerations either individually or collectively, do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

Overall Balance

23. The Framework states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the harm that this would cause to openness. On the other hand, the dwellings would make a small contribution to housing, and bring the site back into use, and is in an accessible location. However, the factors in favour of the proposal do not clearly outweigh the harm that would be caused to the Green Belt.
24. The proposal does not accord with Policy OL1 of the Tameside Unitary Development Plan (2004), and paragraphs 133 to 146 of the National Planning

Policy Framework which collectively seek to preserve openness and assist in safeguarding the countryside from encroachment.

Conclusion

25. Whilst I have found no harm with regards to the Conservation Area, I have found harm to the Green Belt to which I attribute substantial weight. Moreover, the very special circumstances necessary to justify the development do not exist.
26. For the above reasons and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

R Cooper

INSPECTOR