



## Appeal Decision

Site visit made on 20 May 2020

**by Louise Nurser BA (Hons) Dip UP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 May 2020**

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**Appeal Ref: APP/G4240/W/19/3234776**

**Green Lane Farm, Green Lane, Hyde SK14 3BE**

- 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 Nigel Marsh against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 19/00471/FUL, dated 18 May 2019, was refused by notice dated 25 July 2019.
  - The development proposed is conversion of existing garage to living accommodation- 1 bed bungalow with morning room.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The Council determined the planning application, the subject of this appeal, on the basis that it was a proposal for an additional unit of market housing as set out in question 17 of the application form.
3. I am aware that the original site access is proposed to be maintained and to be used by the residents of both properties. Also, I note a separate defined site curtilage has been annotated on both the location and proposed site plans.
4. The proposed development is referred to as an annex within the appellant's statement of case. Nonetheless, whilst the design and access statement referred to keeping the wider property within the appellant's ownership and allowing other family members to live in the original house, it did not specifically refer to the proposed development as an annex, nor was this referenced within the description of the proposed development, which has remained unaltered in the appeal form.
5. Consequently, irrespective of whether the appellant intends to retain ownership of the wider site, I must determine the appeal on the basis of what was applied for, which in this case is an additional dwelling.
6. The appellant is unhappy with the manner in which the Council officer determined the application. However, this is not relevant to my determination of the appeal before me which has been undertaken on the planning merits of the particulars of the specific case before me.

## **Main Issues**

7. The main issues in this case are whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development policies; the effect on the openness of the Green Belt; and would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal?

## **Reasons**

8. When considering any planning application, substantial weight should be 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.

### *Whether inappropriate development*

9. The site is located within the Green Belt. Paragraph 145 of the Framework establishes that the construction of new buildings within the Green Belt as inappropriate unless, amongst other things, it involves the extension of a building. However, any such extensions should not result in disproportionate additions over and above the size of the original building. Policies OL1 and OL2 of the Tameside Unitary Development Plan adopted 2004 (UDP) relate to Green Belt, and are broadly consistent with the Framework, in so far as they relate to the extension of buildings.
10. Reference has been made to a site area of 2721 sq m within the appeal statement. However, it is unclear what is the significance of this figure in relation to the existing built development. Moreover, the proposed development would extend the floorspace of the original garage building by considerably over 50%, from around 60 sq. m to around 104 sq. m. I note that there is no specific guidance as to what should be considered to be a proportionate extension. Nonetheless, the size of the original building would be substantially increased over and above its current form. As such, I conclude that it would be a disproportionate addition, and therefore, inappropriate development.

### *Openness*

11. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their permanence and openness.
12. Irrespective of the fact that the proposed development is designed to be no higher or deeper than the existing garage, as a consequence of the substantial increase in the size of the building due to the significant increase in its width, the extension would have a spatial impact on the openness of the Green Belt.
13. The proposed development includes a separate small curtilage to be taken from the existing area of garden which is primarily laid to grass with a number of shrubs and fruit trees.

14. I note that the expectation of the appellant is that no additional parking spaces would be required. However, it is highly likely that future residents would require a car. I am also aware that it has been argued that there will be little need to sit outside in the garden to enjoy the views as the windows of the reception room will be large.
15. Nonetheless, I am not convinced that future occupants would not wish to take advantage of the garden to enjoy the views over the countryside and fresh air. As a consequence, I conclude the cumulative impact of the proposed substantial extension to the building, proposed landscaping, together with the associated paraphernalia associated with an additional household, such as washing lines and garden furniture, together with parked cars, would all impact on the visual openness of the Green Belt.
16. This visual impact on the openness of the Green Belt would be heightened as the garage sits to the side and behind the rear building line of the existing house, closer to the adjacent open fields. Therefore, the proposal to elongate the garage away from the cluster of buildings made up of the small group of neighbouring properties, would be more visually prominent.
17. As such, I conclude that the proposed development would result in moderate harm to the openness of the Green Belt.
18. Moreover, given the alterations, such as inserting windows in walls which are currently blank, the extension to the building to enable it to be used as a dwelling, together with the incidental impacts as set out above, would appear as an urbanising element. Therefore, in common with the recent appeal<sup>1</sup> to which I have been referred, which similarly related to a site within an existing garden, I conclude that the addition would run contrary to the third purpose of the Green Belt to assist in safeguarding the countryside from encroachment. This would result in limited harm to the purpose of including land in the Green Belt.

#### *Other considerations*

19. It has been argued that the proposed development is necessary due to the particular, personal, circumstances of the appellant, to which I have been referred. I note, he and his wife wish to be in a position to enable their immediate family to live in the appellant's current home. This would allow the extended family to provide mutual support, in a secure environment, and to reduce the need to rely on external agencies. I also note that the design of the proposed development would afford attractive views both from the garden area and from the morning room of the proposed development. However, the Planning Practice Guidance<sup>2</sup> is clear that planning is concerned with land use in the public interest and the considerations outlined above, are substantially private in nature. Therefore, I accord these considerations only limited weight in support of the development.
20. I have been referred to other nearby planning decisions at Godley Green Cottage and at Hawthorn Farm, where residential annexes have been allowed within one ownership. I note that the Godley Green Cottage approval included a condition preventing the annex being occupied as a separate dwelling, and

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<sup>1</sup> APP/G4240/W/19/3226399

<sup>2</sup> ID: 21b-008-20140306

that the description referred to the application as an annex. In addition, I note that the Hawthorn Farm permission did not include an extension. Consequently, I am aware that in both cases the circumstances are significantly different to this case. As such, they do not weigh in favour of the proposed development.

21. Reference has been made to a proposed Garden Village within the emerging Greater Manchester Spatial Development Framework (GMSDF), with concerns that the Council is not being consistent in its decision making. However, I have been given no detailed background information as to how this allocation relates to this particular site. Moreover, I understand that there remain unresolved objections to the policies of the GMSDF. Therefore, in the context of this particular appeal, I attribute minimal weight to the draft allocation.
22. The garage, like many others, is not currently used as a shelter for cars, but as a store for miscellaneous household items. It appears to be of relatively modern construction and materials, with no individual heritage value. The proposed development would be constructed in matching materials, and would raise no drainage, waste or highway issues. However, I would not expect any development to do so. Therefore, these matters do not weigh in favour of the proposal.
23. The proposed dwelling is intended to be built to high levels of energy efficiency within the current regulations. I accord this benefit moderate weight.
24. I have been referred to the perceived advantages of the location of the appeal site, in relation to accessibility to the road and rail network, and nearby settlements. I am also aware that a bus stop is around 1 mile away. However, given that future residents would be likely to be reliant on private transport I accord these benefits no weight in favour of the development.

## **Conclusion**

25. In conclusion, the development is inappropriate development. Therefore, it is by definition harmful to the Green Belt, which the Framework indicates should be given substantial weight. In addition, there would be moderate harm to the openness of the Green Belt and limited harm to the purposes of including land in the Green Belt. This cumulative harm carries substantial weight.
26. Having considered all matters raised in support of the proposal I conclude that, together, they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the appeal proposal is contrary to Policies OL1 and OL2 of the UDP and the provisions of the Framework.
27. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L. Nurser*

INSPECTOR