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## Appeal Decision

Site visit made on 27 August 2020

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 September 2020**

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**Appeal Ref: APP/G4240/W/20/3253962**

**43 The Mudd, Littlemoor Road, Mottram, Hyde, Cheshire SK14 6JN**

- 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 M & Mrs K Allsopp against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 19/01109/FUL, dated 18 December 2019, was refused by notice dated 6 April 2020.
  - The development proposed is a double garage.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal is inappropriate development in the Green Belt;
  - The effect on the openness of the Green Belt; and,
  - If the development is inappropriate, 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.

### Procedural Matter

3. There is some variation in the spelling of the appellants' names as given on the planning application and subsequent appeal documents. I have taken the spelling in the heading above from the planning application form.

### Reasons

#### *Whether Inappropriate Development*

4. The appeal site is within the Green Belt. The proposed detached garage would be located within the curtilage of the host dwelling and would replace two sheds, although the garage would be larger than the sheds it would replace.
5. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions. The proposal would not fall within these exceptions and therefore would be inappropriate development.

### *Openness*

6. Openness is an essential characteristic of the Green Belt. The proposal would be larger than the sheds it replaces and would therefore reduce the openness of the Green Belt. However, even allowing for the height of the roof, the removal of two trees and views across the site; within the context of the appeal site the proposal is of such a scale that the loss of openness would be limited.

### *Other Considerations*

7. The appellant refers to severe weather conditions affecting the area and has provided photographs to illustrate this. However, such conditions would apply to many sites in the area and I saw that there was suitable off-street parking provision within the site a short distance from the entrance to the dwelling. Whilst I acknowledge that parking within the garage would enable sheltered access to vehicles, I am not persuaded that weather conditions at the appeal site are so severe or unique as to represent a significant benefit of the proposal. I give this no more than limited weight in favour of the appeal.
8. My attention has been drawn to the personal circumstances of a resident at the property, including a letter from the Tameside and Glossop NHS Trust. In considering this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, in particular the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. With regards to movement to and from vehicles, there is existing parking provision a short distance from the entrance to the dwelling. Access to the proposed garage would also be via an open yard and would be similar to the existing access. The garage would provide cover for residents when boarding and leaving vehicles, but it has not been demonstrated that the existing open parking area is fundamentally unsuitable for the resident's needs. This matter therefore carries limited weight in favour of the appeal.

### **Other Matters**

9. The proposal is located within the Mottram-in-Longdendale Conservation Area (CA). The Council considers that the proposal would have a neutral effect on the CA, and based on what I have seen and read I have no reason to disagree. The appellants refer to the wording of a notice in respect of the application. However, this wording is a procedural issue in respect of the appropriate notification procedure rather than a prejudicial statement in respect of any harm to the CA. The Council's reason for refusal does not refer to any harm to the CA. This matter is therefore not a determinative issue in this appeal.

### **Conclusion**

10. The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm. The proposal would also lead to limited harm to the openness of the Green Belt. The limited weight I have given to the other considerations does not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal

would therefore conflict with Policy OL1 of the Council's Unitary Development Plan 2004 and the Framework with regards to the protection of the Green Belt.

11. In respect of the PSED, following careful consideration of the particular matters I am satisfied that the impact of dismissing this appeal is proportionate and justified.
12. For the reasons given above, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR