



Appeal Decision

Site visit made on 13 August 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: APP/G4240/W/20/3246235

Land adjacent to 19 Greaves Street, Mossley, Tameside

- 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 Messrs Kennedy & Waugh against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00940/FUL, dated 16 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is residential development comprising of a terrace of 6 one-bed bungalows with gardens to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) protected open space and ii) highway safety.

Reasons

Protected Open Space

3. The appeal site forms part of a larger area of open space within a built up area of Mossley. The site fronts onto Greaves Street, where it is fairly level, but then slopes steeply down to Stockport Road (A670).
4. Greaves Street is characterised by groups of stone terraced houses, many of which front directly onto the road with limited private garden space. The density of development in the area is fairly high and parking is on-street. Although somewhat overgrown, the site contributes positively to the amenity of the area by providing greenery and a break in the otherwise built up area. Furthermore, the open nature of the site allows for extensive and attractive views across the town and the Tame Valley, to the Pennine foothills beyond, providing a visual connection from this part of the town to the countryside.
5. It is clear that the site is valued by the local community, as demonstrated through its registration as an Asset of Community Value and the comments received in relation to the application and appeal. In this regard I note also that there is a community orchard below the site area and that part of the space, outside of the appeal site area, has been planted with trees as part of a community project.

6. The proposed terrace of six bungalows would front onto Greaves Street where the site is more level, and would occupy a significant proportion of space. By limiting the development to a single storey, views across the valley from the upper floors of the houses opposite, which are elevated above the road level, would be retained. However, when viewed from the street, the proposal would result in the loss of much of the currently open aspect and associated amenity value of the site, resulting in harm to the character and environmental quality of the area.
7. Although in private ownership, the site can be accessed freely from Greaves Street, either through a gap in the low stone wall which runs along part of the street frontage, or directly from the road where this wall is absent. There is an indistinct path across the more level part of the site, but it does not provide a through route or link into any wider footpath network. I note comments that the site is used for dog walking and by children playing, indicating that the site does have recreational value for the local community. However, the site is currently formed of rough grassland, and the long grass and steep topography of part of the site, means that this recreational value is limited.
8. The proposed development would not occupy the whole of the open space, and appellant has confirmed that part would still be accessible to the public. However, the steep topography of these remaining areas, which includes large retaining walls fronting onto Stockport Road, would further limit any informal recreational use to a significant degree.
9. I recognise that the land was sold by the Council, but the proposed development would result in a loss of open space in an area which, according to the Council, has recognised deficiencies. Whilst no specific evidence, such as studies or assessments of open space, has been provided to support this, the site provides one of the few green, open and accessible spaces in the immediate locality. The appellant has identified other areas of protected open space in Mossley, but none are within the immediate vicinity and most are on the other side of the town or separated from the site by a main road.
10. At the time of my visit, there was no evidence of a storage container on the site, and the small area of hardstanding does not adversely affect the amenity value of the site.
11. I conclude that the proposal would cause moderate harm to protected open space. It would conflict with Policy OL4 of the Tameside Unitary Development Plan 2004 (UDP), which is concerned with protecting land which has recreational and amenity value in urban areas. Although the site is not specifically identified as Protected Open Space on the policies map, it does have amenity value and some, albeit limited, recreational value, so the provisions of this policy apply.

Highway safety

12. Greaves Street is a quiet, residential street, lined with terraced houses which have no dedicated off-street parking. The road is fairly narrow but there is just enough space for cars to be parked on both sides of the road.
13. The proposed bungalows would not provide any off-street parking, so any vehicles associated with the development would contribute to on-street parking in the vicinity. The proposed bungalows would all be one-bedroom, so the

- proposal could lead to an additional demand for 6 parking spaces. I note the Council's comment that if the properties were occupied by older people they may have more visitors from family and health visitors, adding to demand for parking spaces. However, such visits would be unlikely to lead to a significant demand for additional parking at any one time, and may be offset by lower levels of car ownership amongst such elderly residents.
14. I appreciate that my site visit represents a snapshot in time, and that there may be more demand for parking at other times of the day and the evening, from both residents and users of local facilities. However, I have not been provided with any clear evidence of parking stress in the area, and at the time of my visit, plenty of opportunities for additional on-street parking were available, including along the road fronting the appeal site.
 15. Greaves Street is not a through road, but it is possible to avoid the need to reverse in the street by using the streets leading off Greaves Street to turn around.
 16. Overall, I am satisfied that the modest amount of additional parking likely to be associated with the proposal could be accommodated safely, without causing undue harm to other road users. Furthermore, I note that the Council's highways officer has not objected to the proposal.
 17. I conclude that the proposal would not cause unacceptable harm to highway safety. I find no conflict with Policy T1 of the Tameside Unitary Development Plan (UDP) 2004 concerning access arrangements for development schemes and the need for improving road and community safety in residential areas. Neither is there conflict with paragraph 109 of the National Planning Policy Framework (the Framework), regarding the impact of development proposals on highway safety.

Planning Balance and Conclusion

18. Although the proposal would not cause harm to highway safety, the proposal would conflict with the development plan due to the loss of open space.
19. Although I have not been provided with any details of the extent of the shortfall, the Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing land. As a result, I must consider the proposal against Paragraph 11 (d) of the Framework. This means that the development plan policies which are the most important for determining the application must be regarded as being out of date.
20. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. Policy OL4 was adopted prior to the publication of the Framework, but its overall aim of protecting existing areas of open space, recognising of their importance for the health and well-being of communities, is consistent with Paragraphs 96 and 97 of the Framework, which have similar objectives. Although 'out of date' due to the Council's land supply situation, Policy OL4 still carries a significant amount of weight and I have found this scheme to be moderately harmful to its provisions.
21. Paragraph 8 of the Framework outlines the overarching interdependent objectives for planning to achieve sustainable development: social, economic and environmental.

22. In terms of the social objective, the benefit of construction of new homes in an area where is a significant shortfall is recognised. The development of an additional 6 dwellings would contribute towards meeting housing needs, and the proposed bungalows would particularly suit older residents and smaller households. The site is within walking distance of the town centre with a range of services and facilities and, whilst the route is not level it is not excessively steep and would be manageable by those with a reasonable degree of mobility.
23. These factors weigh in favour of the scheme. However, the benefits would be modest, and would be outweighed by the harm to the health and well-being of the community which would result from the loss of open space and its associated amenity and recreation value. As a result, the social role of sustainable development would not be achieved.
24. There would be a modest economic benefit associated with the construction of the bungalows and additional spending in the local economy by future residents.
25. The proposal would cause moderate harm to the character and environmental quality of the area, and as a result the environmental objective would not be achieved. I acknowledge that the design and materials of the bungalows would be acceptable, and that no concerns have been raised in relation to flood risk, land stability or ecological issues. However, these factors, which represent a lack of harm, are neutral in the planning balance.
26. Whilst I have found modest economic benefits, these would not outweigh the overall social and environmental harms identified. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits and the presumption in favour of sustainable development does not apply. For the reasons given, I conclude that the conflict with the development plan is not outweighed by other considerations, including the Framework. Therefore the appeal should fail.

R Morgan

INSPECTOR