

APPLICATION REPORT - HOU/351143/23
Planning Committee 15th November 2023

Registration Date: 19th June 2023
Ward: Saddleworth North

Application Reference: HOU/351143/23
Type of Application: Householder

Proposal: New vehicle/pedestrian gate
Location: Gatehead Farm, Gate Head Road, Delph, Oldham, OL3 5QE,

Case Officer: Brian Smith
Applicant: Mr and Mrs Richard and Vicki Harold
Agent: Mr Sam Nawaz

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as the applicant is a senior employee of Oldham Council.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 This application relates to an existing parking area within the residential curtilage of a Grade II listed building.

4. THE PROPOSAL

- 4.1 Permission is sought for the erection of timber field gates facilitating both vehicular and pedestrian access to the existing parking area. The proposed gates will be 8100mm in length, securely fixed to solid timber gate posts of 1610mm in height and will be set back a minimum of 1194mm from the neighbouring bridleway.
- 4.2 At the request of the highway engineer, the gates open inwards as opposed to outwards.

5. PLANNING HISTORY

- 5.1 HOU/350951/23 - Erection of a mezzanine extension and new vehicle/pedestrian gate - Withdrawn 14.06.23.
- 5.2 LB/042791/02 - Single storey rear extension - Approved 30.05.02.

- 5.3 HH/042440/02 - Conservatory - Approved 03.05.02.
- 5.4 PA/017586/84 - Entrance porch - Approved October 1984.

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is allocated as Green Belt in the Proposals Map associated with this document. As such, in addition to relevant national policies as detailed in the National Planning Policy Framework (hereinafter referred to as the NPPF) the following policies are considered relevant to the determination of this application:

Policy 9 - Local Environment;
 Policy 20 – Design;
 Policy 22 - Protecting Open Land; and,
 Policy 24 - Historic Environment.

7. CONSULTATIONS

Consultee	Comments
Highway Engineer	As mentioned earlier in this report, the proposed gates would exclusively open inwards, thereby avoiding conflict with users of the neighbouring bridleway. Hence, the highway engineer does not wish to restrict the grant of planning permission.
Saddleworth Parish Council	Approval recommended

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by means of neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response to such publicity the following comments have been received from the occupiers of the adjoining dwelling, neither objecting to nor supporting the application:
- Any approval should be conditioned such that the gates are restricted to opening inwards onto the land within the applicant's ownership/control.
 - Insofar as the site edged red is concerned, conflict exists between the proposed site layout plan and title plan, referenced GM 258025, necessitating the completion of Certificate B in this instance and the requirement to serve a notice in this regard.

ASSESSMENT OF THE PROPOSAL

9 PRINCIPLE OF DEVELOPMENT

- 9.1 Owing to the Green Belt designation, the provisions of Local Plan Policy 22 and Chapter 13 of the NPPF provide the prevailing policy context in this case.
- 9.2 Policy 22 identifies that the main purpose of the Green Belt is to keep land permanently open and indicates that development will only be permitted within the Green Belt where it does not conflict with national policy. Further, paragraph 137 of the NPPF identifies the essential characteristics of Green Belts as their openness and permanence, with paragraph 138 setting out the five purposes of including land in the Green Belt. The third bullet point to paragraph 138 indicates that one of these purposes is to assist in safeguarding the countryside from encroachment.
- 9.3 By reason of their modest size, scale and appearance, the proposed gates would evidently not conflict with such purposes and as such are acceptable in principle.

10 VISUAL AMENITY AND DESIGN

- 10.1 Development Management Policies 9 (Local Environment) and 20 (Design) recognise the contribution that high-quality design can make to regeneration and sustainable development. Specifically, Policy 20 requires such proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene. The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that permission should be refused for development that is not well designed.
- 10.2 Further, owing to the listed status of Gatehead Farm, Development Management Policy 24 which seeks to protect, conserve, and enhance such heritage assets and their settings which adds to the borough's sense of place and identity is particularly pertinent.
- 10.3 Paragraph 199 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 10.4 Paragraph 201 further states "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 10.5 Owing to their robust appearance, somewhat modest height, and degree of separation from the heritage asset, it would seem reasonable to conclude that the proposed gates would have negligible implications insofar as the character and appearance of said asset and wider area is concerned. Hence, it is not deemed necessary to assess public benefits in this instance.
- 10.6 Accordingly, the proposal is compliant in this regard.

11 RESIDENTIAL AMENITY

- 11.1 In terms of safeguarding existing amenity levels, amongst other criteria, Development Management Policy 9 stipulates that proposed development should not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on loss of privacy, safety and security, noise, pollution, the visual appearance of an area and access to daylight or other nuisances.
- 11.2 The proposal is clearly compliant in this regard.

12 HIGHWAY SAFETY

- 12.1 Following the submission of amended plans demonstrating that the proposed gates will open inwards, in the absence of any adverse highway comments and having regard to Paragraph 111 of the NPPF which states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. It follows that the application would be equally compliant in this regard.

13 OTHER MATTERS

- 13.1 Concerning the ownership dispute, owing to the differential in scale between the proposed layout plan and title plan in question, it would prove difficult to confirm whether there is any substance in the neighbour's comments in this regard. In fact, the applicants have since confirmed in writing that to their knowledge the submitted plans accurately reflect the extent of their ownership.
- 13.2 Nevertheless, such issues are primarily civil disputes between the parties concerned which should not prejudice the outcome of an application and whatever the outcome of such, it would not appear to have any implications for the siting of the proposed gates in this instance.

14 CONCLUSION AND RECOMMENDATION

- 14.1 The proposal accords with the objectives of both the Local Plan and the NPPF and as such is recommended for approval.

15 CONDITIONS:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. In accordance with the submitted plans, the gates hereby approved shall at all times open inwards only onto land within the applicant's ownership/control.

REASON - In the interests of highway safety.

SITE LOCATION PLAN (NOT TO SCALE):

