

Appeal Decision

Site visit made on 17 December 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/V4250/W/19/3238277

**Open Land to the Rear of 168 Booths Brow Road, Ashton in Makerfield
WN4 0NG**

- 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 Jason Shawcross against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/17/83517/FULL, dated 5 January 2017, was refused by notice dated 18 April 2019.
 - The development proposed is the erection of detached dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the planning application form and appeal form differ. The description in the header above is taken from the planning application form which accurately describes the proposal.

Main Issues

3. The main issues in this appeal are:
 - Whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If it is 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

Inappropriate development

4. The appeal site previously contained a small workshop/storage building and hardstanding. The Council granted planning permission to replace this building with a bungalow. That planning permission (Ref: A/17/83740) was not constructed and the building on site has now been removed. The proposal

before me seeks an alternative design to the approved application with a dormer bungalow.

5. Policy CP8 of the Wigan Local Plan Core Strategy 2013 (CS) permits development in the Green Belt in accordance with national planning policy. Paragraph 145 of the Framework is therefore relevant which states (criterion g) that development is not inappropriate if it results in the redevelopment of previously developed land, provided it would not have a greater impact on the openness of the Green Belt than the existing development. It was on this basis that the approved application was determined.
6. The appellant does not dispute the Council's position that the appeal proposal would give rise to a form of development with a greater scale and massing than both the existing situation, and the previously removed workshop/storage building. Based on the evidence provided the proposed dormer bungalow would be materially larger than the workshop/storage building, and by reason of its size, scale and massing would have a greater impact on the openness of the Green Belt.
7. I therefore conclude that for the purposes of the Framework, and subsequently Policy CP8 of the CS, the proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should only be allowed in very special circumstances.

Openness

8. The Framework (paragraph 133) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
9. Openness has both a visual and spatial dimension and it is evident that the proposed dwelling would result in a loss of openness to the site and the Green Belt, because of its size and scale when compared with both the existing situation, and the previously demolished workshop/storage building. I recognise that the site is positioned on a low ground level and views of the proposal would be limited. However, there would still be a loss of openness. Whilst the harm would be limited, it would therefore still be material.

Other considerations

10. The appellant argues that the approved bungalow could be built, and then enlarged by extensions considered against saved Policy GB1B of the Wigan Replacement Unitary Development Plan (RUDP). Policy GB1B permits extensions to existing dwellings in the Green Belt provided that, amongst other things, they do not result in more than a 75% increase in volume and are not more than 200 cubic metres larger than the original property.
11. However, the approved bungalow has not yet been built. It would also be significantly smaller than the appeal proposal (approximately 323 cubic metres compared with a proposed development of approximately 512 cubic metres). Whether or not the Council's decision to remove permitted development rights was justified, any significant extensions or alterations to the approved bungalow would also require planning permission which would be considered on their own merits having regard to the relevant development plan policies at

that time. As a result, I have only attached limited weight to the potential for the approved bungalow to be built, and then significantly enlarged thereafter.

12. The appellant has also offered a unilateral undertaking made under Section 106 of the Town & Country Planning Act 1990 which would preclude the occupants and future occupants from submitting any future applications to extend the property. This would be combined with the removal of permitted development rights by way of a condition, were I minded to allow the appeal, so as to ensure that the proposal is the totality of what would be built.
13. However, the submitted unilateral undertaking has not been signed or dated. Moreover, whilst its intentions would be to prevent extensions to the appeal scheme, this does not overcome the Council's primary concern that the proposal would have a greater impact on the openness of the Green Belt than both the existing situation, and the fallback position.
14. No adverse impacts on the character and appearance of the area, living conditions of the occupiers of neighbouring properties, flood risk or highway safety have been identified. I have no reason to disagree and the lack of harm in these respects weighs neither for or against the proposal.
15. The proposal would deliver a dwelling on previously developed land and therefore have some economic and social benefits in line with the sustainability aims of the Framework. However, there would appear to be no specific additional public benefits beyond those associated with the approved bungalow. I have therefore attached these factors only limited weight.
16. Concerns regarding the processing of the application, including matters relating to the assessment in the officer's report are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me. I have therefore not given this significant weight in the overall planning balance.

Conclusion

17. The proposal would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
18. The proposal would deliver a dwelling on previously developed land where an extant permission exists for an, albeit smaller, dwelling and the proposal would have some associated economic and social benefits. Such a dwelling could have the potential to be enlarged thereafter subject to planning permission and the relevant planning policies at that time.
19. However, these other considerations do not clearly outweigh the harm that I have identified as a result of inappropriateness and the reduction in the openness of the Green Belt. As such, very special circumstances necessary to justify the granting of planning permission do not exist.
20. I therefore conclude that the appeal should be dismissed.

Robert Walker INSPECTOR