
Appeal Decision

Site visit made on 17 June 2020

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2020

Appeal Ref: APP/N4205/

Land north of Templecombe Drive and south of Longworth Lane, Bolton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Kay against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 06698/19, dated 9 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is creation of 5 dwellinghouses (C3 use) with associated access and landscaping, and relocation of the existing electricity substation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved except for access, landscaping and layout. I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - (a) The character and appearance of the area; and,
 - (b) The Gale Clough and Shooterslee Wood Site of Biological Importance

Reasons

Character and appearance

4. The appeal site lies within an area of woodland between Templecombe Drive and Longworth Lane, on the north eastern fringes of the built-up area of Bolton. Templecombe Drive and its adjoining streets is a housing development of mainly detached and semi-detached properties. It is separated from Longworth Lane by an area of dense woodland which stretches in a north westerly direction out of the urban area following the line of the valley and Gale Brook. The woodland is a Grade A Site of Biological Importance.
5. The planting is mature and forms a backdrop to the houses on Templecombe Drive when the appeal site is approached from the south. The woodland itself is undulating and contains a stream. A public right of way crosses the woodland between Templecombe Drive and Longworth Lane and it uses a footbridge over the stream. From my observations it appeared to be well used. There are some

other informal paths in the woodland but these do not have the benefit of public access.

6. The proposal is to erect five dwellings on land within the woodland close to an existing electricity substation and the backs of the houses on Templecombe Drive. The electricity sub station would be relocated and access to the site provided where the sub station currently stands on Templecombe Drive. A short entrance drive would then lead in to the site to serve the five houses. The houses would have individual rear gardens which would back onto the remainder of the woodland. As part of the proposal, improvements would be undertaken in the woodland and public access, beyond the right of way, enabled. The proposals include provision for a new pond and a natural play area.
7. The woodland forms an important green and leafy edge to the urban area, effectively providing a transitional landscape between the suburban feel of the Templecombe Drive area and the wider countryside. Many of the trees would remain although a number, around 44-49 according to the Council's officers report, would have to be removed. The loss of these trees would undoubtedly reduce the scale of the woodland to the rear of Templecombe Drive.
8. The creation of the entrance would also reduce the effect of the green wedge formed by the woodland. The entrance road, the new dwellings, areas of hardstanding and gardens would significantly alter the woodland at this point. The existing character of the right of way through the woodland contrasts significantly with the suburban area of Templecombe Drive and presents an attractive walk through the woodland. The character as experienced along the right of way is of a secluded and dense woodland quite distinct from the residential areas adjacent. The proposal would introduce built form into the existing relatively narrow gap between Templecombe Drive and Longworth Lane. The proposal would hugely adversely alter the character of this part of the woodland experienced by users of the path.
9. For the reasons set out above, I consider that the loss of the trees and green landscape in this part of the woodland, together with the urbanising effect of the proposed development, would have a significantly harmful effect on the character and appearance of the area. This would be contrary to Policy CG3 of Bolton's Core Strategy 2011 (the Core Strategy) which amongst other things seeks to conserve local distinctiveness and ensure that development has regard to the overall built character and landscape quality of an area, and Policy OA5 of the Core Strategy which sets down specific requirements for developments in North Bolton including that they should not harm landscape settings, open space or open settings of the area.
10. Although Policy OA5 (1) indicates that sites for new housing will be concentrated within the existing urban area and that the appellants contend that the site lies within the urban area as it is shaded as such on the proposals map, I consider this does not provide policy support for the proposed development and in any event, the policy must be read as a whole.

Site of Biological Importance

11. The appeal site is shown on the Greater Manchester Ecological Unit's (GMEU) records as being within the Gale Clough and Shooterslee Wood Grade A Site of Biological Importance (the SBI). The SBI is a non-statutory designation. This

- SBI has been designated as it is considered to be regionally important for its woodland habitat. The wider SBI extends along the Gale Brook corridor.
12. However the proposals map within the Council's Local Plan, shows the appeal site as lying outside of it. The appeal site is shown within a shaded area consistent with urban development but is not allocated for any particular designation. The parties are therefore in dispute as to whether the appeal site is therefore within the SBI.
 13. The Council contends that the omission of the appeal site from the SBI as shown on its Local Plan proposals map is a cartographical error. It says the error cannot be corrected until a new Local Plan is produced. GMEU reviewed the designation in 2015 and confirmed that the boundary includes the appeal site. It raised objections to the planning application.
 14. The SBI designation procedure lies outside of the Local Plan process. I have been provided with examples of other local authorities which have updated their proposals map, or policies map, to take account of changes to such designations. It is also evident that local authorities vary in their approaches to endorsing the SBIs and reviews. However this does not mean in this case that the appeal site is not part of the SBI and I place little weight upon the evidence that other districts have updated their proposals maps or that Bolton Council's approach departs from the GMEU guidelines.
 15. I acknowledge the findings in the appellant's submitted study which contends that the appeal site does not merit SBI status in any event due particularly to the presence of invasive and non-native plants, and that the SBI boundary as defined by GMEU could be amended to omit the appeal site. However from my observations, it appears that the appeal site is not such a distinct parcel separate to the remainder of the SBI. I place considerable weight upon the evidence that GMEU, which designates and monitors sites across Greater Manchester, designated the SBI to include the appeal site, has reviewed and confirmed the boundaries of the designation and has made representations to the planning application objecting to the proposal.
 16. The proposal would only involve the loss of a small part of the approximately 13.8 hectare SBI, but nonetheless, I consider that the loss of the habitat and the introduction of built development would have a significantly harmful impact on this part of the SBI.
 17. For the reasons set out above, I therefore consider that the proposal would be harmful to biodiversity through the loss of part of the Gale Clough and Shooterslee Wood SBI, contrary to Policy CG1 (2) of the Core Strategy which seeks to safeguard and enhance biodiversity in the borough. I also consider that it would also be contrary to paragraph 175 of the National Planning Policy Framework (the Framework) which seeks to ensure that development does not cause harm to biodiversity.

Other considerations

18. The proposal would bring a number of benefits. This part of the woodland would be improved and public access would be enabled and new habitat features would be created. I attach moderate weight to these benefits.
19. The proposal would boost the supply of housing in the borough, albeit very marginally.

20. The appellant has submitted a planning obligation in the form of a unilateral undertaking in respect of landscape management provisions. Since I am dismissing the appeal for other reasons, I do not need to consider the obligation in detail.

Planning balance

21. I have found that the proposal would lead to harm to biodiversity by impacting adversely on the SBI and would cause significant harm to the character and appearance of the area. It would though bring some benefits.
22. The Council cannot demonstrate a five year supply of deliverable housing land. In accordance with Paragraph 11d of the Framework therefore, I consider that the policies which are most important for determining the application are out of date. However, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

23. For the reasons set out above, I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR