
Appeal Decision

Site visit made on 28 July 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Appeal Ref: APP/M2372/W/20/3248072

Former Hob Lane Village School playing field, Land north of School Lane and Section of School Lane down to Blackburn Road, Edgworth, Bolton BL7 0PR

- 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 Antony Ratcliffe against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/19/1083, dated 11 November 2019, was refused by notice dated 3 February 2020.
 - The development proposed is 1. The erection of 5 detached 'Passivhaus' dwellings with associated garages, bin stores and private gardens, hard and soft landscaping, all accessed off School Lane (both vehicular and pedestrian access points) 2. Retrospective permission for the change of use (undertaken by others without authorisation by the landowner) of part of the former playing field to form private garden curtilage on the East side of the site (adjacent to 'Edgworth View'). 3. The creation of a community eco-park comprising a pond/lake with dipping / viewing platform, an inaccessible (fenced off) ecology zone and an accessible park with associated wheelchair-accessible path, planted with native and orchard trees, shrub and other planting.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner headline above is taken from the original application form which I consider clearly sets out the appeal proposal.

Main Issues

3. The main issues in this case are:
 - Whether the development would be limited infilling in a village, and as such;
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the area; and
 - If the proposal 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

Limited Infilling

4. The main parties are in agreement that the appeal site lies outside the village boundary as defined within the development plan. While this is a helpful starting point, as noted in the Court judgement I have been referred to, *Julian Wood v The Secretary of State for Communities and Local Government and Gravesham Borough Council 2015*,¹ *'a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative.'*
5. The appeal site sits between 2 residential developments, School View a terrace of traditional stone properties set back off the Blackburn Road, with the former School House now known as Edgworth Views a further residential development to the east. On the opposite side of School Lane, to the south of the appeal site are, 3 detached dwellings.
6. School View is included within the village boundary as are the dwellings opposite. Edgworth Views, the appeal site, and the land to the south and east of the 3 detached dwellings are all 'washed over' as both countryside and Green Belt within the Local Plan. On the ground, the countryside to the south, east and north of the appeal site, has a clear character and appearance of the rolling moorland that forms this part of the borough. Edgworth Views appears as a small cluster of development outside the village, while the appeal land has become overgrown, and now appears as an un-manged piece of grassland behind the School View terrace.
7. Irrespective of the site being the former playing fields to the village school, that use ceased in excess of 35 years ago according to the information presented in evidence. Nor does it necessarily follow that this would automatically be part of the village just because it was the village school playing field. Schools and their associated grounds can serve a local community but be distinct from them.
8. Edgworth in the vicinity of the site is predominantly linear, following the line of Blackburn Road with the rear gardens of these properties forming a distinct boundary with the countryside. This does change along School Lane with the small quantity of housing that has occurred opposite the site, nevertheless the appeal site is a distinct 'green gap' to the Edgworth Views development, beyond the rear of the School View properties.
9. As such, despite the historic connection referred to in the evidence, I do not consider this site can reasonably be described as part of the village. I am also mindful of the previous Inspector's decision² which states *'remain consistent with the position of the previously well-established school building separated from School View by a large field. As a consequence, the site and the existing buildings to the north and east are characterised as lying within the countryside rather than forming part of the village envelope'*. I find that to be a reasonable conclusion.

¹ 2015 EWCA Civ 195

² APP/M2372/W/16/3150769

10. Irrespective of this finding, I am also concerned as to whether developing a parcel of land of this size in this location, could reasonably be described as limited infilling. I accept the site forms a gap between the traditional stone terrace of School View and the residential conversion of Edgworth Views, two distinct residential developments. I have also been made aware of a recent permission for the development of a new dwelling on the site to the west on the Blackburn Road frontage.
11. The residential element of the appeal proposal is constrained to remain within the northern most limits of a line drawn between the northern edges of School View and Edgworth Views. Nevertheless, it would still represent a scale of development which could not be regarded as limited, with a frontage in excess of 70m and capable of accommodating in depth development of 5 substantial houses. In the context of this particular site and surroundings, I do not find the development proposed to comprise limited infilling.

Inappropriate development

12. The appeal site is situated in the Green Belt. The National Planning Policy Framework (the Framework) indicates (para 145) that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
13. Given my conclusion that the proposal could not reasonably be considered to be limited infilling within the village, the proposal would represent inappropriate development in the Green Belt. Consequently, by definition it would be harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

Openness

14. The development proposed is for 5 detached houses and an eco-park on a site that is currently unmanaged/overgrown grass land. Openness is an essential characteristic of the Green Belt. Irrespective of the design and layout which would accommodate gaps between buildings and the current housing to the east and west, there is no doubt that the construction of 5 detached houses where there are currently no buildings would result in a significant adverse effect on the openness of the Green Belt in this location.

Character and Appearance

15. Further residential development off School Lane would not be following the typical pattern of development of the village and would represent an intrusion into the countryside. The extensive efforts regarding the design would not satisfactorily overcome this objection. The development would erode the contribution that the field currently makes to the open countryside around the village.
16. Although the proposed dwellings would be built to a high environmental standard, along the 'passivhaus' principles with limited carbon emissions and would be assimilated to a degree by the planting and landscape ecology zone, the presence of development would have a negative visual effect on the experience of those cycling, or walking along School Lane, or for users accessing the nearby footpath network.

17. Despite the high environmental credentials of 'passivhaus' design, the development would still represent the construction of new dwellings in the countryside and would result in the loss of the current green gap beyond the rear of the School View properties and as such would have an adverse effect on the character and appearance of the countryside in this location.
18. I conclude that the development would result in a considerable loss of openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment.

Other Matters

19. The repairs to School Lane, the boundary railings, and extensive planting which could bring ecological benefits and increased biodiversity are elements of the proposal that would bring positive benefits to which I afford limited weight in the decision.
20. Additionally, the ecological and biodiversity benefits that would come from the provision of an eco-park would only come about if the development were to go ahead. According to the ecologists' report this would further enhance opportunities for foraging bats as opposed to adversely affecting them as suggested by a third party and provide other opportunities for ecological enhancement. This would need to be the subject of robust mechanisms to ensure that this could be both managed and maintained in the future, and that it remained accessible for the public to enjoy in perpetuity which the Council have indicated could be potentially achieved through planning conditions. As such this element of the scheme can be considered a potential benefit which can be afforded moderate weight in coming to my decision.
21. The contractual obligation that would provide funding to Turton Football Club cannot lawfully be considered a material consideration to which I can give weight in the consideration of my decision. It has no direct relationship to the development proposed and is not something that could or should be incorporated into the planning decision. I have therefore given this argument no weight.
22. I also recognise that the provision of houses such as those proposed would be aspirational housing which the development plan wishes to encourage to assist in rebalancing the local housing market and to encourage more higher income earners to stay within the borough. The construction and future occupation of the properties would also provide some economic benefits. These are factors that weigh positively in support of the appeal, albeit to a modest extent.
23. My attention has been drawn to a recent planning permission granted by the Council for a dwelling to the north of School View and to the west of the site, which is also on land within the Green Belt and outside the village. I viewed the site from Blackburn Road which only allowed glimpses of it. I have also examined the details provided to me including the aerial photograph and indicative block plan which shows an extensive property of significant scale. I do not have the full details before me, but do not consider that the granting of this permission could be regarded as setting a precedent for the current proposal which I have considered on its own merits.

Conclusions

24. In conclusion, I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework. It would, by definition, be harmful to the Green Belt; harm which the Framework indicates should be given substantial weight. It would also have an adverse effect on the openness of the area, impacting upon that purpose of Green Belt designation, and also upon the Green Belt purpose to safeguard the surrounding countryside from encroachment. In addition, there would be harm to the character and appearance of the countryside.
25. I have carefully considered the various arguments made by the appellant in support of the appeal, but conclude that, either on their own or in combination they do not clearly outweigh the harm the scheme would cause to the Green Belt by reason of inappropriateness and the other harm I have identified. Consequently, very special circumstances do not exist, and the development cannot be justified.
26. For the above reasons, and having regard to all other matters raised, I find therefore that the proposal does not comply with policy 3 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) which seeks to ensure the Green Belt is maintained and the countryside safeguarded from encroachment.
27. I conclude that the appeal should be dismissed.

Edwin Maund

INSPECTOR