
Appeal Decision

Site visit made on 4 August 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/V4250/W/20/3247526

Land Adjacent 75 Bolton Road, Aspull, Wigan WN2 1QT

- 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 Brian Baxter against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/87907/FULL, dated 25 September 2019, was refused by notice dated 6 December 2019.
 - The development proposed is a New Dwelling and Replacement Agricultural Building in Revised Location.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. There is no site address given in the planning application form. However, the decision notice and appeal form both describe the location as '*Land adjacent 75 Bolton Road, Aspull, Wigan WN2 1QT*'. As such I have used this in the banner heading above.
4. I note the appellant disputes the relevancy of Policy CP8 of the CS, which restricts infill development in the Green Belt to the settlements of Haigh and Bickershaw. While this is more restrictive than the Framework, which allows infill as a possible exception 'in villages', the policy is clear that development within the Green Belt will only be allowed in accordance with national policy. It therefore a relevant policy for the determination of this appeal.

Main Issues

5. The site lies within the Green Belt. Accordingly, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on openness of the Green Belt;

- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal site is located on the edge of the built-up area of Aspull, and currently includes a partially constructed agricultural building consisting of a steel frame. It is set between a dwelling at 75 Bolton Road on one side with a large gap to Bradshaw House Farm on the other. An area of open space to the front provides a generous setback from Bolton Road, while to the rear are open fields.
7. The proposal includes the erection of a detached dwelling and replacement of the existing partially constructed agricultural building with a building of the same purpose in a new location. The dwelling is formed of two sections, with the main element visible from Bolton Road and consisting of two-storeys. The site drops in level, and the rear, single-storey element would be located in this lower section of the site.
8. Paragraph 143 of the NPPF states inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF says the construction of new buildings in the Green Belt should be regarded as inappropriate development unless certain listed exemptions apply. One of these exceptions is where development would constitute limited infilling in villages.
9. There is a dispute between the parties as to whether Aspull is a village, whether the site is within the settlement, and whether the development would constitute 'infilling'.
10. My attention has been drawn to a High Court Ruling¹ in which it was held that the decision maker is required to consider whether, as a matter of fact on the ground, the site appeared to be in the village. Moreover, the ruling found the site did not have to be within the defined village boundary for development to be deemed as not inappropriate and compliant with paragraph 145 of the NPPF.
11. Evidently, Aspull has no official designation as a village, nor does it have a settlement boundary. Instead, I am informed it is part of the built-up area of Wigan, although from my observations Aspull lies distinctly separate in relation to its host town given it is surrounded by open countryside and has its own defined centre in the Wigan Local Plan Core Strategy (the CS).
12. In purely physical terms, the appeal site is located at a distance from the defined centre of Aspull on its outer edge. It is adjacent to houses lining the south side of Bolton Road, which is one of several main roads into and out of the settlement. However, there is a clear change in character and a gap in built form when 75 Bolton Road is reached. Development then becomes more sporadic moving away from Aspull, with a gap of circa 90m before reaching Bradshaw House Farm, which is then the only building before reaching a smaller cluster of residential buildings to the east. As such, notwithstanding

¹ Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

whether Aspull should be classed as a village for the purposes of the exception given in paragraph 145(e), it is my view the appeal site would be located outside of this built-up area regardless.

13. Even if the site was considered to form part of a village, I am unconvinced that the proposal constitutes limited infilling. There is no definition of '*infilling*' in the Framework or within the CS. Again, this is a question of planning judgement for the decision-maker. I would concur with the definition offered by the Council in which infill is commonly understood to be development in a small gap between existing development. Given the size of the gap I have identified within which the appeal site sits, this would not constitute infill. Moreover, houses along Bolton Road have the same amount setback from the road before reaching No's 73 & 75 which are set back further. The development proposed would be set back even further from Bolton Road than No.75. As such, given the lack of continuous frontage or regular pattern of development in this location, it is my view the proposed dwelling would not fall within the exception set out at paragraph 145(e).
14. I note the appellant's case that the allowing of this proposal would also include an agricultural building, which would be relocated from its current position on site. This would provide a building on the current open side of the proposed dwelling location which would then constitute the 'infill' portion of the exception under 145(e). However, while I note the Council does not take issue with the agricultural building, there is no certainty that it would be constructed. Even if it were, these additional two buildings would not constitute the infilling of an otherwise built up frontage along Bolton Road, for reasons I have already identified.
15. For the above reasons the proposal does not constitute limited infilling in a village in the Green Belt and would not fall within any other exception category set out in paragraph 145 of the Framework. It therefore constitutes inappropriate development in the Green Belt.

Effect on Openness

16. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness in this context is taken to mean the absence of built development. Openness and permanence are essential characteristics of the Green Belt.
17. The proposal would significantly increase the amount of built development on the site as a whole. It would therefore have a significant effect on the openness of the Green Belt in spatial terms. Furthermore, due to the size and scale of the two-storey, split-level construction of the house alongside the relocated agricultural building, set against the existing, largely undeveloped state of the land, the development would be significantly more visible than the existing structure from viewpoints along Bolton Road. Whilst existing trees and hedgerow to the front and the drop in level to the rear of the site would screen the development to an extent, there would nevertheless be a significant degree of harm to the Green Belt by way of loss of openness, in addition to that arising from the inappropriate nature of the development.

Other considerations

18. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I have therefore had regard to considerations put forward by the appellant. These include the zero-carbon construction, the sustainable materials of the dwelling and future onsite training courses to educate the public on these matters.
19. It is clear that the design of the proposal has evolved over a period of time. The development contains a number of sustainability credentials which are commendable. However, achieving a high level of sustainability through design and construction is something the government seeks to encourage in any event. Whilst I acknowledge that the building has been well designed to take account of the levels across the site and its context, I am unconvinced that it would significantly enhance its immediate setting. Consequently, the sustainability credentials of the design and its quality, and the suggestion that the development is used for training purposes, carry limited weight in favour of the proposal.
20. The proposal would be a private benefit for the appellant's family and would add one additional unit to the housing stock in the area. These matters also carry limited weight.
21. My attention is drawn to an appeal decision considered relevant to the proposal before me. I note that the development was approved as a result of its outstanding architectural merit despite being located within the Green Belt. However, I have no details as to what similarities this would have with the proposal before me other than both being in the Green Belt. As such, I cannot be sure that the development is directly comparable with the proposal before me and I afford it limited weight.

Very Special Circumstances and Conclusion

22. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. I have found that the proposal would be inappropriate development in the Green Belt and that it would be harmful to the openness of the Green Belt. These matters carry substantial weight.
23. As explained above I give limited weight to the material considerations cited in support of the proposal and conclude that, taken individually or together, they do not outweigh the totality of the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
24. As such the proposal would conflict with Policy CP8 of the CS and with Green Belt policy as set out in paragraphs 143 - 145 of the Framework.

Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR