



Appeal Decision

Site Visit made on 19 October 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/N4205/W/20/3256070

Wilkinsons Farm, 458 Manchester Road, Blackrod, Bolton BL6 5SU

- 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 John Wilkinson against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 07967/20, dated 24 February 2020, was refused by notice dated 23 April 2020.
 - The development proposed is erection of dwelling with detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Blackrod Neighbourhood Plan 2018-2033 (NP) has been subject to Examination, but its scheduled referendum has been postponed due to the Covid-19 pandemic. Planning Practice Guidance¹ sets out that in such circumstances the NP can be given significant weight in decision-making.

Main Issues

3. As the site is in the Green Belt the main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt;
 - (ii) The effect of the proposal on the openness of the Green Belt;
 - (iii) The effect of the proposal on the character and appearance of the area; and
 - (iv) If the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

4. Paragraph 145 of the National Planning Policy Framework (the Framework) regards the construction of new buildings as inappropriate in the Green Belt, other than for a limited number of exceptions. The appellant considers that

¹ Paragraph: 107 reference ID: 41-107-20200925

the proposal meets the exception in sub-paragraph e) for limited infilling in villages.

5. Policy CG7AP of Bolton's Allocations Plan Document states that the Council will not permit inappropriate development in the Green Belt, except for circumstances including limited infilling in villages at Hart Common and Scot Lane Ends. I find that this exception is inconsistent with the Framework, in that it restricts limited infilling to just two villages. My decision therefore relies on the Framework in this regard.
6. The term 'limited infilling' is not defined in the Framework and is, therefore, essentially a question of planning judgement. The appeal site comprises of a sand exercise paddock and small stable located on the western side of Manchester Road, opposite Blackrod Primary School. Whilst the development would be adjacent to the converted buildings to the south, beyond those is a large gap to the Blackrod MOT Station and the next dwelling, such that the development would not form a continuation of the ribbon development that lies further to the south. To the west is open countryside and to the north is a large gap to the housing in Greenbarn Way. This gap includes a tree line, an area of Local Green Space and a road.
7. Due to the above factors, the appeal site does not represent a limited gap between built development. My findings in this respect are consistent with those of the Inspector in a previous appeal decision at the site². Furthermore, as a large gap would remain to the development in Greenbarn Way, the proposal would not fill a gap between built development. Consequently, the proposal could not reasonably be regarded as limited infilling, notwithstanding the scale of the development. Whether or not the site is within a village, or constitutes previously-developed land, is therefore not determinative in this particular instance.
8. I conclude that the proposal does not fall within any of the exceptions in paragraph 145 of the Framework and would therefore represent inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness of the Green Belt

9. 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 their permanence.
10. The proposal would result in much larger buildings on the site and in a position where currently none exist. Therefore more of the land would be developed. In addition, whilst the site benefits from some screening in the form of the roadside hedge and trees to the north, the appreciable scale of the buildings would still be visible above the roadside hedge. The buildings would also be visible from Greenbarn Way during the months when the trees are not in leaf. Consequently, the proposal would undoubtedly reduce openness from both a spatial and visual perspective, notwithstanding the presence of the large school buildings opposite.
11. I therefore conclude that the proposal would result in a moderate loss of Green Belt openness, in conflict with the fundamental aim of Green Belt Policy.

² Appeal Ref: APP/N4205/W/19/3236728

Character and appearance

12. The dwelling would have a simple form with well-proportioned openings at the front and would be consistent in height, form and orientation to other dwellings in the surrounding area, including the adjacent converted buildings. The same would apply to the garage in terms of its size and design. Nonetheless, for the reasons already identified, the increase in the amount of development on the site would noticeably alter its open and semi-rural character. This would diminish the positive contribution that the site currently makes in these respects to this part of the Manchester Road street scene. In this regard, the proposal would be harmful to the character and appearance of the area.
13. I therefore conclude, on this issue, that the development would unacceptably harm the character and appearance of the area, contrary to Policies CG3 and OA1 of Bolton's Core Strategy 2011, and Policy DES1 of the NP. Together, these Policies require development to respect the character and appearance of the area, by among other things, having regard to the overall built character and landscape quality of the area.

Other considerations

14. The proposal would contribute to the supply and choice of housing in Blackrod and the government's aim to significantly boost housing. There would also be some social and economic benefits from the support for local services and from construction. However, these benefits arising from one dwelling would be small and so I afford them limited weight in favour of the proposal.
15. My attention has been drawn to a much larger housing development at the other end of the village. However, I do not have any details of the development and it is not clear whether it is in the Green Belt. I am therefore not familiar with its circumstances, including in respect of comparable planning policy. The appellant also refers to "case law and similar cases to this appeal", but the specific details are not provided. Consequently, these matters have not had any determinative bearing on my assessment of the appeal scheme, which I have in any event considered on its own merits.

Other Matters

16. Although not featured in the reasons for refusal, I note that the Council has identified potential suitable habitat for great crested newts (GCN) nearby. GCN are protected by law and their presence is a material consideration in a proposal where there is a reasonable likelihood of a protected species being present and affected. No survey work has been carried out by the appellant. However, as I intend to dismiss the appeal for other reasons, it is not necessary for me to consider this matter any further, as any findings in this respect would not change the appeal outcome.

Green Belt Balance and Conclusion

17. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It would also result in a moderate loss of Green Belt openness. Furthermore, there would be harm caused to the character and appearance of the area.
18. Paragraph 144 of the Framework states that substantial weight is to be given to any harm to the Green Belt. Very special circumstances will not exist unless

the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

19. Whilst I attach limited weight to the proposal's contribution to boosting the supply of housing, and its social and economic benefits, these other considerations do not clearly outweigh the totality of the harm identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
20. It appears that the Council is unable to demonstrate a 5-year supply of housing sites. However, the application of policies in the Framework that protect the Green Belt provides a clear reason for refusing the development proposed³. As such, the proposal would not be the sustainable development for which the Framework indicates a presumption in favour.
21. For all these reasons, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR

³ Having regard to Framework paragraph 11d)i footnote 6