



Appeal Decision

Site Visit made on 2 March 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/N4205/W/20/3264068

692 Chorley Road, Westhoughton, Bolton BL5 3NL

- 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 Mrs Anna Fielding against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 08909/20, dated 23 July 2020, was refused by notice dated 17 November 2020.
 - The development proposed was originally described as *'alteration of the existing property by way of part demolition and using the cumulative volume to accommodate the construction of two buildings within the existing curtilage. The proposal is also seeking the change of use of the two buildings to become independent of 692 Chorley Road'*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description on the Council's decision notice differs from that given on the original application form. It was described in the decision notice as *'outline application for alteration of existing dwelling by way of part demolition of existing dwelling and replacement with a single storey dwelling on original footprint along with erection of a separate 1.5 storey dwelling to the rear of the site by using the remaining cumulative volume of demolition area of the original dwelling house (all matters reserved)'*.
3. Both parties have also put forward alternative descriptions as part of the appeal. However, I consider the description given on the Council's decision notice to accurately describe the proposal, as it refers to both the quantum of development sought and the end use as independent dwelling houses.
4. The planning application was made in outline with all matters reserved. As such, I have regarded all elements of the drawings submitted as indicative.

Main Issues

5. The main issues are:
 - whether 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; and
 - the effect of the proposal on bats as a protected species;

Reasons

Inappropriate development

6. The appeal site is situated within the Green Belt. As it forms part of the grounds of No 692 Chorley Road, in an area of sporadic ribbon development along Chorley Road outside of a built-up area, the appeal site comprises previously developed land (PDL).
7. Policy CG7AP of the Boltons Adopted Allocations Plan Document (BAAPD) relates to development within the Green Belt. Insofar as it relates to this appeal, I consider the list of development not considered inappropriate development in the Green Belt, within Policy CG7AP, to be consistent with those within paragraph 145 of the Framework. This includes, amongst other things, the redevelopment of PDL, provided it would not have a greater impact on the openness of the Green Belt than the existing development.
8. On account of the outline nature of the planning application, there is no substantive evidence before me to demonstrate the scale of the proposal in comparison to that of the existing development and therefore the full effects on the spatial and visual openness of this part of the Green Belt. Moreover, I do not have full details before me of all the measurements of the existing building. Nonetheless, the application was made on the clear basis of there not being an increase in volume from the existing building to be demolished and full details would form part of any reserved matters stage.
9. There would be additional footprint from the proposed rear dwelling, in an area that is currently free of built form. This would increase the number of buildings on the site resulting in the erosion of an open area of land. However, it is the frontage along Chorley Road that is prominent from the public realm due to the combination of buildings along the road and the topography which drops to the rear. As such, a single storey building to the front of the site would appear smaller than the existing built form and would allow increased views of the skyline when travelling along the road.
10. Overall, given that the rear of the site is visually well contained by other buildings and planting, in my view, the perception of the site from the public realm would be of a very small increase in openness in comparison with the existing development, despite the increased number of buildings.
11. As independent dwellings there would be an intensification of activity, additional parked cars, garden furniture and paraphernalia. However, the parking is indicated to be to the rear in the existing large parking area. Given the site arrangement and the limited visibility along Chorley Road, such elements would have a negligible effect on the openness of the Green Belt in this location. Restrictions on permitted development rights could control the potential for future incremental alterations to the dwellings.
12. On balance I consider that, subject to details secured by reserved matters, the proposal would not have a greater impact on the openness of the Green Belt than the existing development. I therefore find that the proposal would accord with the exception listed in paragraph 145 (g) of the Framework and it would not constitute inappropriate development in the Green Belt. Moreover, insofar as it relates to the Green Belt, the proposal would accord with the relevant provisions of Policy CG7AP of the BAAPD.

13. As the proposal satisfies the exception listed in paragraph 145 (g) of the Framework, it is not necessary for me to assess the proposal against the other exceptions listed and discussed by the main parties. Moreover, as I have found that the proposal would not be inappropriate development in the Green Belt, it is not necessary for me to consider whether any very special circumstances exist.

Protected species

14. The proposal would result in the demolition of a building and, given its age and design, it could support a roof void and could thus accommodate roosting bats. Moreover, the appellant advises that the building has not been used for living quarters for several years and is in need of repair. This would, in my view, increase the likelihood of gaps that could support access for bats.
15. The Council advise that there are records of foraging bats and a bat roost within 1km of the site. Moreover, the farmland beyond the ribbon development includes habitat that could support such foraging. The appellant has not disputed this, however, has provided me with a previous appeal decision.
16. The decision is several years old and, from the details before me, the previous appeal scheme did not involve the demolition of the entire building. Moreover, the Inspector, in allowing the appeal, stated that the information provided by the Council was vague. In this instance, the Council has quantified the potential for the presence of bats using the building and I have no substantive evidence to the contrary.
17. Circular 06/2005 (the circular) states that the presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it '...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision' (paragraph 99). This is reinforced in advice within the Planning Practice Guidance (PPG).
18. Based on the evidence before me, there is a likelihood that bats could use the building. Having regard to the circular and the PPG, there are no circumstances in this instance that are of such an extraordinary nature as to warrant a different course of action to that outlined in national policies and advice. As such, in the absence of any survey work to understand the potential effects on bats as protected species, I conclude that the proposal would result in the risk of significant harm to such species.
19. The proposal would therefore conflict with the requirements of Policy CG1 of the Council's Core Strategy (CS) (2011) and paragraph 175 of the Framework. These stipulate, amongst other things, that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Other Matters

20. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal. The validity or not of such matters does not affect

the planning merits or effects of the proposal. In this regard, I have made my own assessment based on the plans and evidence before me.

Planning Balance

21. The proposal would represent the redevelopment of PDL and would not have a greater impact on the openness of the Green Belt than the existing development. Based on the plans and evidence before me, it would thus, not be inappropriate development.
22. The Council has confirmed that it cannot demonstrate a 5-year housing land supply and the so-called 'tilted balance' applies to this case. This indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. The proposal would support the objectives of the Framework of significantly boosting the supply of homes, making an efficient use of the appeal site in a sustainable location. However, given the quantum of development sought, the overall social and economic benefits would be limited.
24. Against these benefits the proposal would result in the risk of significant harm to bats as protected species, and therefore conflicts with policies in the Framework which seek to avoid this. As protected species this attracts significant weight and significantly and demonstrably outweighs the benefits associated with the proposed development, when assessed against the policies of the Framework taken as a whole.
25. The proposal would therefore conflict with the development plan when read as a whole and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

26. For the reasons outlined above, the appeal is dismissed.

Robert Walker

INSPECTOR