



Appeal Decision

Site visit made on 7 April 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/N4205/W/20/3263251

The Shippon, Harry Fold Farm, Bradshaw Road, Bolton BL2 4JS

- 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 Robert Byrom against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 09015/20, dated 3 August 2020, was refused by notice dated 6 October 2020.
 - The development proposed is the construction of a two-storey detached house on the site of an existing large garage block (PLOT C).
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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.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether inappropriate development

4. The appeal site is located within the Green Belt adjacent to a cluster of dwellings. It includes a detached, single storey triple bay garage associated with the adjacent detached dwelling 'The Shippon'. This proposal seeks to demolish the garage and erect a two-storey detached dwelling.

5. Policy CG7AP of Bolton's Allocations Plan (December 2014) (the AP) notes that inappropriate development, which includes the erection of new buildings, will not be permitted in the Green Belt. Exception 4 of this Policy allows for the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. This is consistent with paragraph 145 d) of the National Planning Policy Framework (the Framework).
6. The existing garage is a detached domestic outbuilding associated with the adjacent dwelling. As such, the existing and proposed use is residential and the first strand of AP Policy CG7AP and paragraph 145 d) of the Framework is met. Whilst the Framework doesn't define size, a comparison of any changes to floorspace, footprint, built volume, height and width between the existing and proposed buildings assist in determining whether the proposal would be materially larger than the one it replaces.
7. The existing garage is a single storey building with a simple linear footprint under a mono pitched roof. Its overall height and volume is therefore relatively limited. The proposed dwelling would be two-storey in scale, thus with a significantly greater height to the ridgeline and increased footprint, volume and floorspace than the garage.
8. Consequently, the proposed development would undoubtedly be materially larger than the building it would replace and would not therefore meet the relevant exception set out in Policy CG7AP of the AP and the Framework. It would therefore constitute inappropriate development in the Green Belt.

Effect on openness

9. Paragraph 133 of the Framework states that a 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. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant, and openness might have a spatial as well as a visual aspect.
10. The existing garage block is concentrated in a linear form and it is of traditional, rural design. It is visible from various public viewpoints surrounding the site. As noted, the proposed development would be materially larger in terms of footprint and volume compared to the building that would be demolished. Its significantly bulkier presence in the landscape would be more visually and spatially prominent. As such, this proposal would have an adverse impact on the openness of the Green Belt, contrary to Policy CG7AP of the AP and the Framework.

Character and appearance

11. The landscape qualities of the area include rolling hills and valleys and the appeal site is located in an upland setting. I acknowledge that there would be extensive views of the proposed dwelling from the surrounding footpath network and other areas of public realm given its positioning and considerable scale and massing.
12. The proposal would be finished in sandstone, typical of the surrounding properties. It would, however, feature an extensive glazing arrangement, particularly to a two storey projecting gable feature, thus it would no doubt read as a modern addition to this countryside setting. Nevertheless, it would be

viewed in context with the adjacent built development which includes dwellings with various roof forms and glazing patterns. In particular, the adjacent property, The Shippon, has a similar glazing arrangement in its prominent gabled section that protrudes higher than the lower part of that property. The proposed dwelling would not therefore appear out of context in this case.

13. Therefore, the proposed development would not result in harm to the character and appearance of the area and would not conflict with policies CG3 and OA5 of Bolton's Core Strategy Development Plan Document. Collectively these policies seek to ensure that developments have regard to built character and conserve local distinctiveness and landscape setting.

Other considerations

14. There is extensive planning history for the original site known as Harry Fold Farm, which included the original farm house and three farm buildings. These are now known as The Byre, The Farmhouse, The Shippon and the appeal site 'Plot C'. I have not been provided with the plans of the original buildings or those which were approved under the original permission, thus cannot ascertain to what extent the original buildings were altered. However, the officer report for the permission notes that 'the conversion and extension of the buildings to form 3 additional new dwellings at the farm together with the restoration and extension of the original farm house will retain the integrity of the appearance of the site and surroundings and prevent the complex falling into disrepair and dereliction, a situation that would cause significantly more harm to the Green Belt'.
15. The existing garage building on the appeal site is of a simple, traditional design, reflecting the former agricultural use of the wider site and locality and it appears to be in a good condition. It would also be substantially altered through the proposed development. Therefore, based on the limited information before me, I consider that the circumstances around the original approval are not directly comparable to this appeal.
16. I acknowledge that there were subsequent approvals for The Byre and The Farmhouse, which the appellant states resulted in significantly larger dwellings above their original approvals. Whilst the photograph of the concrete barn which The Byre replaced suggests that it was smaller than the current dwelling, I do not have the full details of that approval. Additionally, the officer report for the extension at The Farmhouse notes that 'in scale and design this proposal is not significantly different in its principles and is consistent with Green Belt policy'.
17. I note that, following its conversion, The Farmhouse was also further extended however the officer report states that the extension was considered under a different exception of policy CG7AP of the AP and the Framework. I also note the dwelling indicated on the site plan as 'Harry Fold Bungalow' has been extended and I have been provided with the approved plans. Again however, I do not know the full circumstances around its approval. Based on the very limited information before me I am not persuaded that the extension and alteration of the aforementioned dwellings are directly comparable to this appeal proposal, thus I afford this matter limited weight.
18. The proposed dwelling has been designed with a lift access, to address mobility issues of a family member of the appellant, who currently resides at the

adjacent property, The Shippon. No compelling evidence has been submitted that persuades me that this existing dwelling cannot accommodate a lift or be appropriately reconfigured so as to ensure all necessary living accommodation was accessible. Furthermore, I am not convinced that a dwelling of the proposed scale is required to provide suitable living accommodation and there is nothing before me to ensure that the appellant would reside in the proposed dwelling. I therefore afford this matter limited weight.

Whether very special circumstances exist

19. The Framework states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. 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. The proposal would constitute inappropriate development in the Green Belt and would cause harm to its openness. Having regard to the Framework, I give this harm substantial weight.
20. The Government's objective is to significantly boost the supply of housing. The proposal would provide an additional home which would bring some accompanying benefits associated with the investment and employment in the construction of the dwelling, and from the spending in the local area from future occupants. However, the nature of these social and economic benefits would be limited due to the small scale of the proposal.
21. The other considerations advanced in support of the appeal, whether taken individually or cumulatively, do not clearly outweigh the harm I have identified. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Other Matters

22. The Council confirm that they cannot demonstrate a five year supply of deliverable housing sites. On this basis, paragraph 11d) of the Framework should be applied. The first part sets out that planning permission should be granted unless the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 clarifies that the protected areas include land designated as Green Belt. I have found that the appeal scheme would constitute inappropriate development in the Green Belt and that it would have a significant impact on openness. Therefore, the policies in the Framework in that regard provide a clear reason for dismissing the appeal. The tilted balance set out in paragraph 11 of the Framework is not therefore engaged in this instance.
23. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age and disability. I do not doubt that the proposed development would accommodate the appellant and his wife into later life, through the introduction of a lift to access living accommodation on the upper floor. However, it is likely that the appellant could adapt their existing dwelling in a manner which addresses their concerns whilst remaining sensitive to the qualities of the Green Belt. As such,

I consider that a decision to dismiss the appeal would not deprive the appellant and his family the opportunity to remain independent within their home. Moreover, any benefit of the scheme in this respect is set against the substantial harm the proposal would have on the Green Belt. Accordingly, it does not therefore follow that the appeal should succeed.

Conclusion and Recommendation

24. For the reasons given above, the proposal conflicts with the development plan and there are no material considerations that indicate a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal should be dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR