



Appeal Decision

Site visit made on 23 March 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2021

Appeal Ref: APP/N4205/W/20/3266016

Stables and Premises, Jacks Lane, Westhoughton, Bolton BL5 2DJ

- 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 Mrs Dawn Janciauskas against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 09053/20, dated 24 July 2020, was refused by notice dated 26 November 2020.
 - The development proposed is described on the application form as 'Steel portal frame building to house stables, restroom, WC and storage of feed and equipment'. (sic)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has raised concerns in relation to the submission of the Council's statement of case due to the relevant deadline being extended. However, notwithstanding the provisions of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 it is normal practice to extend such a deadline provided that there is a justified reason for doing so. This is done in the interests of natural justice and to ensure fairness to all parties. If a full statement of case is received from one party and not the other and the appeal is determined on that basis, it could mean that the decision is perceived to be prejudicial to that other party. In this case I am satisfied that the Council provided a justified reason for the late submission of their full statement of case and also for their related request for the deadline to be extended.
3. The Council have described the development as '*erection of 9 stables, office and storage area together with farrier/washdown station*'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides an accurate description of the proposal and I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant Development Plan policies;

- the effect of the proposed development on the character and appearance of the area; and
- if the development is inappropriate, 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

5. The appeal site comprises a large L-shaped single storey stable block and a collection of smaller single-storey stables, a manure clamp, a horse menage training area, and several fenced-off paddocks set within an open agricultural landscape. There is a row of semi-mature trees on one boundary of the site.

Whether inappropriate development

6. The National Planning Policy Framework (the Framework) at paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 145 of the Framework.
7. One such exception is for proposals for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
8. Policy CG7AP of the adopted Bolton Local Plan Allocations Plan (LPAP) aims to prevent inappropriate development in the Green Belt. However, it does not list all of the exceptions set out under paragraph 145 of the latest version of the Framework. This approach is not entirely consistent with the Framework and consequently I afford this policy moderate weight.
9. The proposal consists of a building that would house additional stables, an office and a storage area with a farrier/washdown station. It would be located within an open gap between the large stable block and the manure clamp with a large fenced-off 'rehabilitation paddock' area being behind it. While on my site visit, I observed that this fenced-off paddock area was on a slightly higher ground level than that of the large stable block and the area of land where the proposal would be located.
10. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 133.
11. The proposal would be located within a relatively open area where there is currently no development. In simple spatial terms, this has a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which was previously permanently open. The construction of the proposal on the appeal site therefore would bring about built development where there was previously none.

12. In visual terms the height and volume of the proposal would also have a clear and demonstrable effect on the openness of the Green Belt, even though the paddock behind it is on a slightly higher ground level. Consequently, given the open nature of both the appeal site and the paddocks and fields beyond it, there is a clear link between their respective senses of 'openness' which when assessed as a whole would be harmed by the introduction of the proposal as it would have a discernible adverse visual impact in this regard. As a result, the proposal in this case would erode the openness of the Green Belt and therefore would clearly conflict with the fundamental aim of national Green Belt policy.
13. For similar reasons, the proposal would also represent a clear encroachment into the countryside. As a result, the proposal does not preserve the openness of the Green Belt or safeguard the countryside from encroachment.
14. Accordingly, I find that the proposal does not fall within exception b) of Paragraph 145 of the Framework. To this extent, and in principle, the proposal would be inappropriate development within the Green Belt in conflict with the aims of the Framework. It would also conflict with the aims of Policy CG7AP in this regard.

Character and Appearance

15. The proposal would introduce a sizeable new building to the appeal site which would be located next to the existing large stable block. It is also proposed to remove some of the nearby smaller temporary stable buildings. According to the submitted plans the proposal would be of a much larger size and scale to the existing stable block and would also be much higher than it.
16. Therefore, while the row of trees on the boundary of the site would screen it somewhat when viewed from the other side of these trees, it would not be screened when viewed from public vantage points on Jack's Lane. Consequently, even though some existing temporary stables would be removed, the proposal would nonetheless represent a discordant addition to the open rural landscape in the area thereby having a significant adverse visual impact.
17. I note the appellant's point that the proposal would be consistent with the very linear local landscape characterised by degraded agricultural land dissected by ribbons of development, which closely mirror the road network. However, the proposal would not constitute linear ribbon development next to a road.
18. I therefore conclude that the proposal would materially harm the character and appearance of the area in conflict with the requirements of policies CG3 and OA3 of the adopted Bolton Core Strategy (BCS).

Other considerations

19. In support of the proposal the appellant has advanced the argument that the proposed development would accord with all of the Green Belt purposes. However, given my findings on the proposal's impact on openness and encroachment into the countryside, I afford this consideration little weight.
20. The appellant has also cited the proposal's compliance with paragraphs 80 and 83 of the Framework as it would support economic growth and a prosperous rural economy. They have also submitted some evidence, such as a Building Justification Report which outlines in broad terms what the current business

entails, how the proposal would potentially expand this and highlighting that the appellant has invested working capital in the business. However, no substantive evidence such as financial information has been submitted to further support this. I therefore afford this consideration limited weight.

21. The appellant has submitted veterinary reports which outline a need for the proposal in terms of how it would potentially provide more secure accommodation for horses, improve the cleaning of horses, allow sick horses to be isolated as a safety measure when required and facilitate the necessary quarantining of horses due to them being imported and exported. As a result, I afford this consideration moderate weight.
22. I also note that the local Parish Council supports the proposal. This consideration therefore carries moderate weight in favour of the appeal scheme.

Other Matters

23. The Council have raised concerns in relation to the paddocks potentially being unauthorised development and in relation to a potential unauthorised livery use at the site. However, these are not matters that are for me to consider as part of this s78 appeal.

Planning balance and conclusion

24. Paragraphs 143 and 145 of the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances as does Policy CG7AP.
25. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
26. The proposed development would not preserve the openness of the Green Belt or safeguard the countryside from encroachment. As such, it would result in inappropriate development in the Green Belt. The proposal would also cause additional harm to the rural character and appearance of the area.
27. I have given little, limited or moderate weight to the other considerations cited in favour of the development. Accordingly, in my view, these would not clearly outweigh the substantial harm to the Green Belt or the other significant harm to the character and appearance of the area. The very special circumstances necessary to justify the development do not therefore exist. As a result, there would be conflict with policy CG7AP of the LPAP, policies CG3 and OA3 of the BCS and Paragraph 143 of the Framework.
28. For these reasons, and having regard to all relevant matters, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR