



Appeal Decision

Site Visit made on 31 August 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2021

Appeal Ref: APP/N4205/W/21/3271376

Land at Dene Bank, Bradshaw, Bolton BL2 3EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Longworth Investments Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 09189/20, dated 26 August 2020, was refused by notice dated 9 November 2020.
 - The development proposed is stage 1 permission in principle for up to four dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
3. The revised National Planning Policy Framework (the Framework) was adopted in July 2021. I have had regard to it in the determination of the appeal.

Main Issues

4. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt; and
 - iii) If the proposal is inappropriate development, 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

Whether the proposal would be inappropriate development

5. The appeal site is an area of steeply sloping well-vegetated land with a long road frontage to the east side of Dene Bank. It has a dwelling to 1 side which,

together with the dwellings on the opposite side of the road, form the settlement boundary at this point. It is in the Green Belt.

6. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CG7AP of Bolton's Allocations Plan Adopted December 2014 (the LP) states that inappropriate development will not be permitted with certain exceptions including limited infilling in named villages. This is reasonably consistent but more restrictive than Paragraph 149 of the Framework which states that new buildings are inappropriate in the Green Belt unless they meet specific exceptions, including 149 e) limited infilling in villages.
7. Bradshaw is a suburb of Bolton, although it would have originated as a village. The evidence refers to the nearby villages of Bradshaw, Toppings and Eagley, which suggests these areas retain some of their former village identity. The appeal site is beyond the settlement boundary, but case law has established that settlement boundaries in local plans are not necessarily determinative for the purposes of establishing whether or not a site is in a village. In this case, notwithstanding its proximity to the settlement boundary, the appeal site is contiguous with the woodland on the valley slope and therefore part of a significant swathe of open land within the Croal Irwell Valley. Consequently, the appeal site is functionally, physically and visually part of the open wooded countryside that extends along the Bradshaw Brook corridor.
8. The Framework does not define limited infilling, but it generally relates to a small number of properties in a modest gap between buildings in an otherwise built up frontage. Four dwellings would be a limited amount of development. However, the appeal site has a long road frontage and it does not have buildings to either side of it. There is residential development to the front, but not to the rear, such that the appeal site is not contained by development. It is not a modest gap between buildings nor is it part of an otherwise built up frontage.
9. It would be possible to replicate the scale and pattern of development in the settlement. Future occupiers would consider that they were residents of Bradshaw and Bolton. Nevertheless, taking into account the characteristics of the appeal site and its surroundings, it is not an infill site and the proposal would not be limited infilling in villages.
10. My attention has been drawn to planning permissions and appeal decisions elsewhere. The dwellings on Dene Bank are in the settlement and not in the Green Belt and they were approved in an earlier policy context. In the Cheshire appeal¹, the Inspector confirmed limited infilling to be the development of a modest gap in an otherwise substantially built up and broadly linear frontage. The Stockport appeal² related to a corner plot at the end of a row of buildings outside the settlement boundary. It had residential development on 3 sides and the proposal infilled a gap in the village. None of these are directly comparable to the appeal scheme and they do not provide a justification for it.
11. Therefore, the proposal would be inappropriate development in the Green Belt. It would not meet the exceptions for the construction of new dwellings set out

¹ ref APP/A0665/A/14/2228579

² ref APP/C4235/W/19/3239419

in the Framework. It would conflict with LP policy CG7AP and the policies in the Framework that protect the Green Belt.

Openness

12. 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, the assessment of which requires consideration of both spatial and visual impacts.
13. The appellant envisages the dwellings would reflect the form and pattern of surrounding residential development. However, in accordance with the limited requirements of the first stage of the permission in principle route, there are no details of the layout, scale or appearance of the proposal.
14. The appeal site is undeveloped land that falls away from Dene Bank into the Bradshaw Brook valley. Four dwellings with associated hardstanding, vehicular access and parking would result in a large footprint of permanent development. Consequently, there would be a significant spatial loss of openness.
15. Irrespective of their layout, scale or appearance, 4 dwellings would be conspicuous from Dene Bank and from locations elsewhere in the valley including the tennis and cricket club and public rights of way. There would be a significant visual impact as a result of the encroachment into the countryside and the bulk of 4 new dwellings and associated domestic paraphernalia.
16. The spatial and visual impact would result in a moderate and harmful loss of openness of the Green Belt. The proposal would conflict with the purposes of the Green Belt in relation to checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment.

Other considerations

17. The Council cannot demonstrate a 5 year supply of deliverable housing sites. The proposal would make a small contribution to the supply of housing. However, the Framework is clear that the presumption in favour of sustainable development set out in Paragraph 11 d) does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The policies referred to are listed in Footnote 7 as including those relating to land designated as Green Belt. Therefore, the provision of new dwellings in the Green Belt does not weigh in favour of the scheme.
18. The appeal site is in an accessible location in relation to local services and facilities and public transport, which is very much a requirement for all new residential development. The proposal would not result in harm to the safe operation of the highway. Details of sustainable drainage would be dealt with at the later technical details stage. These are neutral matters.
19. The appeal site is adjacent to Bradshaw Wood and Reservoirs Site of Biological Importance and Upper Bradshaw Valley Local Nature Reserve. Woodland on the site is identified as a habitat of principal importance for the conservation of biodiversity (Section 41 Natural Environment and Rural Communities Act 2006) and part of the site is covered by a Tree Preservation Order. The proposal does not demonstrate that it would address the relevant policies in the Framework including in relation to valued landscapes and sites of biological value, the

intrinsic character and beauty of the countryside and the wider benefits, biodiversity, priority habitats and coherent ecological networks. I am not required to be satisfied about all aspects of the amount of development at this stage. These matters would need to be addressed satisfactorily at the technical details stage.

Green Belt balance

20. I have concluded that the proposed development would be inappropriate development in the Green Belt. It would result in a moderate loss of openness of the Green Belt. These matters attract substantial weight.
21. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

22. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR