

Appeal Decision

Site visit made on 9 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2021

Appeal Ref: APP/N4205/W/21/3275877

Land Adjacent Unit 12A, Lyon Road Industrial Estate, Lyon Road, Kearsley, Bolton, BL4 8NB

- 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 Allsop (JMA Transport) against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 08893/20, dated 22 July 2020, was refused by notice dated 30 April 2020.
 - The development proposed is the erection of a 5 No. timber stable block with a service area including car parking, a menage and a hard standing for the storage of waste material (manure) awaiting collection and spreading. The majority of the land to the east is to be maintained as grazing and exercise land for the ponies. The wooded area to the north and west is to be retained as a buffer screen to the development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address in the banner heading above is taken from the decision notice rather than the planning application for conciseness. I note the appellant has used this address in their appeal form and as such, the wording does not appear to be in dispute.
3. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. I note that submission documents such as final comments were received after this date of publication and therefore the main parties have had opportunity to take account of any changes to the Framework. I have taken any subsequent comments received into account in my determination of this appeal

Application for costs

4. An application for costs was made by Mr John Allsop against Bolton Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are as follows:
 - Whether or not the development is inappropriate development in the Green Belt; and

- If the development 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 Inappropriate Development in the Green Belt

6. The appeal site comprises a field which is bound by trees and surrounded by a combination of a housing estate, the M61 motorway, an industrial estate and a solar farm. The proposal seeks to erect a stable block, menage and parking area for four vehicles with a section of tarmac laid to afford access from the existing field entrance adjacent the industrial estate.
7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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.
8. Paragraph 149 of the Framework makes clear that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation. This is on the basis that such proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy CG7AP of the Bolton Local Plan Allocations Plan (LP) (adopted December 2014) seeks to resist inappropriate development in the Green Belt subject to similar exceptions and demonstrable very special circumstances.
9. There is no dispute between the main parties that the proposal would provide appropriate facilities for outdoor sport and/or recreation. Based on all that I have seen and read, I see no reason to disagree. However, the proposal would involve the erection of a stable block, the laying of hardstanding for access and the parking of vehicles and fences around the menage and the boundary of the site as a whole. The introduction of built form in this manner would inevitably reduce openness in spatial terms. Visually, much of the site is enclosed and not readily visible from the public domain, although views of the car park would be apparent from the entrance to the site from passers-by using the footpath.
10. Although I don't have a copy of the Greater Manchester Green Belt Assessment before me, I agree that the appeal site displays a strong sense of openness on the edge of a built-up area and plays an important role in checking the unrestricted sprawl of Kearsley given the variety of built form surrounding the site. As such, the introduction of an urban element such as tarmac for access and parking would be contrary to one of the five purposes of the Green Belt, as set out in paragraph 138 (a) of the Framework. I acknowledge the further concerns of the Council regarding encroachment into the field. While the site is open and its appearance is reminiscent of the countryside, its location is clearly on the edge of an urban area. As such I disagree the proposal would conflict with paragraph 138 (c) of the Framework.
11. For the above reasons, while the proposal would meet part of the exception under paragraph 149 (b) insofar as it would provide appropriate facilities for

outdoor sport and/or recreation, it would nevertheless harm openness and conflict with one of the purposes of including land within the Green Belt. It would therefore constitute inappropriate development. In accordance with paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This harm is attributed substantial weight as per paragraph 148 of the Framework.

Other Matters

12. I acknowledge the appellants' concerns over the Council's handling of the application, including the delays before the decision was issued and whether site visits were undertaken. However, I have only had regard to the planning merits of the proposals.

Other Considerations

13. Although the appellant considers very special circumstances are not required to be demonstrated as there would be no harm caused by the proposal, I have concluded on the contrary. Nevertheless, there is some merit to the 'refurbishment' of the site. From my observations on the site visit, this has suffered from neglect in the form of litter, and I saw the remnants of anti-social behaviour. This attracts some limited weight in favour of the scheme.
14. While it is argued the proposal would increase biodiversity, this is not substantiated in the plans or appeal documents. There is reference to planting which 'could' be carried out 'if appropriate' and although the trees lining the site would be retained, this would not increase biodiversity.
15. There are references to other developments approved in the Green Belt by the Council for outdoor sports facilities, although I have no information on any of these. As such I cannot be certain of any similarities to the case before me. Accordingly, these matters attract little weight in favour of the proposal.

Conclusion

16. The proposal would be inappropriate development which would be harmful by definition. It would result in a reduction to openness and would conflict with one of the reasons for including land within the Green Belt. This harm carries substantial weight by definition. I have taken on board the other considerations as they are relevant to the appeal. However, for the reasons I have given above they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
17. As such the proposal would conflict with Policy CG7AP of the LP and Green Belt policy as set out in paragraphs 147 - 151 of the Framework. Collectively, these seek to ensure Green Belt land remains permanently open and that inappropriate development should not be approved except in very special circumstances. The appeal should therefore be dismissed.

C McDonagh

INSPECTOR