



Appeal Decision

Site visit made on 6 July 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/N4205/W/22/3291155

The Courts Yard, Boot Lane, Bolton BL1 5SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr J Court against Bolton Metropolitan Borough Council.
 - The application Ref 10461/21, is dated 14 February 2021.
 - The development proposed is described as: the change of use of existing stable block to 1no dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr J Court against Bolton Metropolitan Borough Council. That is the subject of a separate Decision.

Preliminary Matters

3. The appeal is against the Council's failure to reach a decision within the relevant statutory period. Nevertheless, the Council has provided an appeal statement that sets out that, had the Council been in a position to determine the application, they would have refused permission.
4. Planning permission¹ was originally granted in 2015 for '*the erection of stables comprising 4no. looseboxes, tack room and hay store, together with formation of service access track from existing field gate*'. The stables have now been largely constructed, and comprise natural stone walls and a slate roof as per the approval. However, there are some discrepancies with the approved plans, namely the position of the windows and doors, their size (most are significantly bigger than approved), the installation of rooflights to both roof slopes, and a large opening that has been created in the gable elevation. The internal arrangement is also different to the approved drawings with doorways connecting individual partitions within the building.
5. The Council argue that as a result of the discrepancies with the approved plans the building is more akin to a dwelling than the approved stables. The Council conclude without reasonable doubt that what has been erected from the outset on site is not the approved stables, but a dwellinghouse.
6. On considering this issue, I note the building has been robustly constructed with cavity walls, a slate and felted roof, UPVC fascias and coursed natural

¹ Ref 93805/15

stone-faced walls. Nevertheless, all windows and doors are temporary in appearance consisting of simple polythene backed window frames and OSB board doors. The buildings were not in use for stabling of horses on my visit and they appeared to be in a low-key storage use, with building materials, a dumper truck and carriage stored inside along with some hay. However, the temporary and lightweight nature of the window and door openings, their large size, and the presence of doorways between 'loose boxes', would in all likelihood render the building impractical for such a use. It is therefore unlikely that the building has ever been used for stabling horses. No evidence has been supplied that would indicate otherwise and the appellant is silent on this matter. The comments received from local residents reinforce my conclusion in this regard.

7. As such, I conclude that it is unlikely that the building is stables. Nevertheless, I shall consider the appeal on its own merits and on the basis that stables is the lawful development of the site.

Main Issues

8. The main issues are:

- whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect of the development on the openness of the Green Belt;
- the effect of the proposed development on the character and appearance of the area, and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

9. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
10. Paragraph 149 of the Framework sets out that other than several exceptions the construction of new buildings in the Green Belt should be regarded as inappropriate development. Based on the information before me, the proposal would not involve the construction of a building for agriculture or forestry, nor would it be development for outdoor recreation purposes. As it is proposed to work with the existing structure it would not involve the replacement of a building, nor is it proposed to be for affordable housing. It would therefore not meet the exceptions at a), b), d) or f) of paragraph 149.
11. Paragraph 149. c) allows the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposed alterations to the building would be relatively minor and limited to the replacement of windows and doors, as well as internal works. There would be an extension formed from the former midden however

this would not be disproportionate. Nevertheless, this exception does not refer to a change of use, as is the case with the current appeal. Therefore, on the basis of what is before me, I conclude that the development would not accord with paragraph 149. c).

12. The building is somewhat detached from the line of dwellings along Boot Lane or any other residential development and therefore the proposal would not represent limited infill in a village in accordance with paragraph 149. e) and referred to at 149. g).
13. Aside from limited infilling, 149. g) also refers to the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). Neither party has offered an opinion on whether or not the appeal site constitutes previously developed land. However, irrespective of this, this exception requires that proposals would not have a greater impact on the openness of the Green Belt than the existing development. I shall consider the effect of the development on openness later.
14. Paragraph 150 goes on to list other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Most are not relevant to this appeal; however, these include at 150. d) the re-use of buildings provided that the buildings are of permanent and substantial construction. Notwithstanding the condition of the windows and doors, or the lawful status of the building, given its masonry walls and solid roof, it could be considered to be of permanent and substantial construction. As such, in order to determine whether the proposal would be inappropriate development I am required to consider the effect on openness, to which I shall now turn.
15. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. Openness is generally accepted to be the absence of development, and it includes both spatial and visual aspects. It has also been established that the impact of development on openness and Green Belt purposes is not necessarily related to its size but also to the effect of its use.
16. In this case, the building would be extended through the additions to the midden and therefore there would be some loss of spatial openness. Moreover, there would be a visual impact as a result of the alterations to the building and its permanent residential occupation. The glazing in the windows, particularly the large expanse of glazing in the gable elevation would be considerably more conspicuous than the existing boarded doorway, and the impact would be exacerbated by light spill after dark. The internal artificial illumination of the extensive rooflights would similarly render the building more conspicuous during low light conditions.
17. The provision of new secure double timber gates enclosing what is currently open space to the side of the building would inevitably reduce openness and the area around the building would become less open than it is at present. Furthermore, the provision of hardsurfacing through the creation of a large driveway and parking area on what currently is predominantly natural land between the building and Boot Lane would also reduce openness.
18. Moreover, the activity in the spaces around the building for parking, refuse storage and sitting out would be likely to be much more intensive than that

arising from either the approved use as stables or the existing situation, being a low-level storage use. It would also be likely to lead to significantly higher incidences of parked vehicles, stored refuse, outdoor seating and other domestic paraphernalia being located in the spaces around the building which would also impinge on its visual openness compared to the existing situation. The reduced openness would be readily experienced in views from Boot Lane past the site and from a public right of way that runs adjacent to the north and west boundaries of the site. Given the wooded nature of the surrounding area, the prominence of the site in views from these points would increase when the trees are not in leaf.

19. In this regard, the permanent residential occupation of the building and the works proposed to the building would have a greater visual impact on openness than the existing building, even if I concluded that it had been built as or used for stabling. Consequently, for the above reasons, I conclude that the proposal would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The proposal therefore does not fall within the forms of development at either paragraph 149 or 150 of the Framework and as such is inappropriate development in the Green Belt. For the same reasons, the proposal conflicts with Policy CG7AP of the Bolton Core Strategy (2011).

Character and Appearance

20. The appeal site lies off a narrow lane within a grassed clearing between small areas of woodland with a natural appearance. The formation of a dwelling and its associated garden would inevitably result in the introduction of domestic and urban characteristics into the landscape here arising from hardsurfacing, refuse storage, outdoor seating, the maintenance of a garden area, and other such domestic paraphernalia. These characteristics would be viewed as incongruous with the wooded and natural setting in views from Boot Lane and the adjacent public right of way.
21. Whilst the wooded nature of the surroundings would afford some screening, the change of use that would occur would nonetheless result in moderate harm to the character and appearance of the area and as such would conflict with Policy CG3 of the Bolton Core Strategy which seeks to maintain and respect the landscape character of the surrounding countryside and its distinctiveness.

Other Matters

22. The time taken to determine the application and the communication during the course of that application relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I have noted that history, I have nonetheless determined the appeal scheme with regard to its planning merits.
23. I accept that there would be no adverse effect on the privacy of the occupiers of neighbouring properties, that the proposal would be unlikely to create issues with parking and that natural stone and slate are local building materials, however these are matters of neutral consequence in the overall planning balance.

24. There would nonetheless be minor economic benefits from the construction and occupation of a new dwelling. However, these benefits are comparatively minor in respect of a single dwelling.

Planning Balance and Conclusion

25. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. For the reasons I have set out above, the weight I would attach to the other considerations would, when taken together, be limited, such that they would not clearly outweigh the harm. The very special circumstances required to justify the proposed development do not therefore exist.
26. The Council states in its delegated report that it cannot demonstrate a five year supply of deliverable housing sites. I acknowledge that in an incremental numerical way the scheme would contribute towards rectifying any shortfall.
27. Paragraph 11. d) of the Framework states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets or areas of particular importance provide a clear reason for refusing the development. Footnote 7 indicates that land designated as Green Belt is one such protected area. I have found that the proposal would be inappropriate development in the Green Belt and very special circumstances do not exist, even taking into account the shortfall here. There is therefore a clear reason for refusing the proposal in any event, and the presumption in favour of sustainable development is not engaged.
28. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, the appeal is dismissed, and planning permission is refused.

Paul Martinson

INSPECTOR