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# Appeal Decision

Site visit made on 22 August 2022

**by M Ollerenshaw BSc(Hons) MTPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 September 2022**

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**Appeal Ref: APP/N4205/D/22/3295630**

**Lower Barne, Dunscar Fold, Egerton, Bolton, Lancs BL7 9EH**

- 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 and Mrs Jonathan and Gemma Dean against the decision of Bolton Metropolitan Borough Council.
  - The application Ref 12172/21, dated 3 September 2021, was refused by notice dated 17 February 2022.
  - The development proposed is described on the application form as 'single storey, ground floor, detached outbuilding to garden curtilage to side of the dwelling for use as a summer garden room ancillary to and incidental to use of dwelling as a domestic family home etc.'
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
  - The effect of the proposal on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the Dunscar Fold Conservation Area; and
  - If it 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*

3. The appeal site relates to a semi-detached barn conversion located within a group of buildings at Dunscar Fold, which contains the former Dunscar Fold Farm, Dunscar House, converted outbuildings and more recently built housing. The site includes an area of steeply sloping woodland to the north-western side of the dwelling which is accessed via steps. The site lies within the Green Belt.
4. The Framework states that the essential characteristics of Green Belts are their openness and permanence. Policy CG7AP of the Local Plan, Bolton's Allocations

Plan 2014 (LP) states that the Council will not permit inappropriate development in the Green Belt.

5. Paragraph 149 of the Framework states that construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions. One such exception is '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'. This exception is also contained within LP Policy CG7AP.
6. The proposed domestic outbuilding would be located on a level part of the otherwise steeply sloping garden land to the north-western side of the dwelling. It would be some distance from, and at a considerably lower level than, the host dwelling and so would not fall under the exception for the extension or alteration of a building. The proposed development would not conform with any of the other exceptions set out in Policy CG7AP of the LP or paragraph 149 of the Framework.
7. I therefore conclude that the proposed development would amount to inappropriate development in the Green Belt. The proposal would be contrary to the guidance in paragraphs 147 and 149 of the Framework and Policy CG7AP of the LP. The resultant harm should be given substantial weight in determining the appeal.

#### *Openness*

8. The development would introduce additional built form in a location that is currently open. The appellants say that the proposal would be a temporary building and could be removed at any time. However, it would be a large outbuilding which could be expected to be in place for many years and thus would have a degree of permanence. The proposal would not be readily visible from public viewpoints due to the surrounding topography and woodland screening. However, the openness of the Green Belt has a spatial aspect as well as a visual aspect. The proposal would inevitably result in some loss of spatial openness.
9. The proposal would result in limited harm to the openness of the Green Belt. It would fail to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The proposal would conflict with the aims of the Framework and would be contrary to Policy CG7AP of the LP which seek, amongst other things, to prevent harm to the Green Belt.

#### *Character and appearance of the Conservation Area*

10. The appeal site is located within the Dunscar Fold Conservation area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
11. In my view, insofar as this appeal is concerned, the significance of the CA derives from its collection of historic stone buildings of good architectural quality within a rural setting with woodland to the north sloping down to a brook and open fields to the south.

12. The appeal proposal would be situated within part of the steeply sloping wooded area at a notably lower level than the main group of buildings at Dunscar Fold. Aside from a small number of domestic structures, including sheds and chicken coops, the wooded slope is otherwise largely free of development which therefore emphasises the rural origins of Dunscar Fold. With a footprint of 7m by 3m and a maximum height of 2.3m, the proposal would be more substantial than the existing domestic structures.
13. The proposal would not be highly prominent from public vantage points, but glimpsed views of the proposal would be possible from Blackburn Road through gaps in the trees and hedges, particularly when these are not in leaf. The proposal would be seen as an intrusion into the woodland and therefore detract from the setting of the CA.
14. I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies CG3 and OA5.8 of Bolton's Core Strategy Development Plan Document 2011 (CS), which require development to conserve and enhance the character of the existing physical environment, especially the conservation areas. The proposal would also conflict with the Supplementary Planning Document – General Design Principles which seeks, amongst other things, to inform and shape new development, having regard to character and sense of place.
15. Paragraph 202 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The proposal would have less than substantial harm to the significance of the CA. The proposal would not result in any clear public benefit that would outweigh the harm identified. I therefore conclude that the proposal would fail to comply with chapter 16 of the Framework, which seeks to sustain the significance of heritage assets.

#### *Other considerations*

16. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 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.
17. The proposal would provide a summer garden room which would enable the appellants to spend more time in their garden. This would be a personal benefit that carries some, but limited, weight in favour of the proposal. Any benefits to the local economy arising from the construction of the proposal would be very modest.
18. The appellants have referred to other large developments in the local area, including a new supermarket and a scheme for 98 homes. However, these are of little relevance to the appeal scheme which I have considered on its own merits. As such, this is a matter to which I give no weight.
19. There is no substantive evidence before me to indicate that the proposal would be harmful to biodiversity or the root protection areas of nearby trees and I therefore find no conflict with Policy CG1 of the CS, which seeks to safeguard

and enhance biodiversity including trees. However, these are neutral matters rather than ones that weigh in favour of the proposal. The Council has raised no concerns with regard to the effects of the proposal on the living conditions of neighbours or highway safety and I have no reason to disagree with that assessment. Compliance with policies in respect of such matters would also be neutral in the planning balance.

### **Other matters**

20. I note the appellants' concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

### **Planning Balance and Conclusion**

21. In conclusion, I have found that the proposal would be inappropriate development and harmful to the openness of the Green Belt. I have also found that the proposal would fail to preserve or enhance the character or appearance of the CA. I have given only limited weight to the other considerations in favour of the proposal, and conclude that, taken together, they do not clearly outweigh the harm that the proposal would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*M Ollerenshaw*

INSPECTOR