



Appeal Decision

Site visit made on 4 October 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/N4205/W/22/3292668

34 Meadow Way, Blackrod, Bolton BL6 5BR

- 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 Edward Lovatt against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 09158/20, dated 21 August 2020, was refused by notice dated 7 December 2021.
 - The development proposed is described as a new agricultural build in existing fields to provide parking for machinery and shelter for animals during inclement weather. The building will replace the unsightly mixture of sheds and containers on site that are currently used for the same purpose.
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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 revised Framework and any relevant development plan policies;
 - the effect of the proposal on highway safety; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal proposal seeks the erection of an agricultural building within a field to the rear of 34 Meadow Way. The proposed building would replace several existing buildings and structures including timber sheds, cabins, and storage containers. The site is located within the Green Belt. Policy CG7AP of Bolton's Allocations Plan (adopted December 2014) (AP) sets out that development proposals will be assessed against criteria which broadly reflects that of the National Planning Policy Framework (the Framework).
4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless in very special circumstances. Furthermore, it sets out that the construction of new buildings is regarded as inappropriate in the Green Belt except for several specified exceptions as set out in paragraphs 149 and 150. This includes

paragraph 149 (a) which states that buildings for agriculture and forestry would not be inappropriate.

5. The appellant contends that the proposed building would provide storage for various bits of farm machinery and equipment, as well as shelter for animals in connection with the existing agricultural use of the land. Agriculture is defined under Section 336(1) of the Town and Country Planning Act 1990 where it states that agriculture can include, among other things, horticulture, fruit growing, the keeping and breeding of livestock, and the use of land as grazing land.
6. I observed during my site visit that fruit and vegetables were being grown on the appeal site. I also noted that, whilst there were no sheep present on the land at the time of my visit, other animals including chickens, geese, and turkeys were being kept and were on the land along with a small tractor, horse box and a small number of other agriculture-based items. The conduct of a trade or business is not required when determining whether the use of the land is agricultural, and therefore from the evidence available to me the existing use of the appeal site and its associated buildings is agricultural.
7. In addition to the existing use of the land being agricultural, I find that the proposed new building would have both the design and appearance of an agricultural building. Furthermore, the appellant has confirmed that the proposed new building will be used in connection with the existing agricultural use of the land and has specified what will be contained within it.
8. Consequently, I find that the proposal would consist of the construction of a new building for the purposes of agriculture. I therefore conclude that the proposed development would not be inappropriate development in the Green Belt, with it being within the exception stated in paragraph 149 (a) of the Framework and complying overall with Policy CG7AP of the AP.
9. The Council has also referred to the exception set out under paragraph 149 (d) of the Framework, which states that the replacement of a building would not be inappropriate development, provided that the new building is in the same use and not materially larger than the one it replaces. Although the Council does not consider that the proposal would meet the test set out under paragraph 149 (d), the proposal is only required to fall within one of the exceptions listed under paragraphs 149 and 150. As detailed above, I have found that the proposed development would meet the exception under paragraph 149 (a), and therefore it is not necessary for me to assess the proposal against paragraph 149 (d).

Highway Safety

10. The site is situated to the rear of No 34, one of several semi-detached dwellings located on Meadow Way which forms part of a residential cul-de-sac. Very little information regarding access arrangements has been provided, however a note included on one of the submitted drawings states that the site access is 'from Station Road'. Given there is no direct access to the appeal site from Station Road, it is evident from the submitted drawings that access to the site is intended to be via Meadow Way utilising the existing residential driveway and access to the side of the dwelling.

11. Meadow Way is a relatively narrow residential road with numerous accesses to residential driveways along it, and at the time of my late morning site visit I also noted that several vehicles were parked on the highway. No 34 itself is located on a bend at the southern corner of Meadow Way, with a narrow, paved driveway running between the side elevation of the dwelling and the boundary with 32 Meadow Way.
12. The proposed building would be used for agricultural purposes including the storage of farm equipment and machinery. In addition to those activities already taking place on the land the appellant also intends to keep sheep, with an overall aim to become self-sufficient and to start selling produce at local farmers markets. Any farm machinery or vehicles accessing the site, as well as any livestock or produce being transported to or from the land would therefore all have to utilise the existing narrow residential driveway.
13. No information has been provided with regards to the whether or not the existing vehicular access would be suitable for the proposed agricultural use and activities. Furthermore, from my own observations I find that the highway on Meadow Way would not be well suited to use by large agricultural vehicles and machinery. Whilst I acknowledge that a small number of animals and farm machinery including a small tractor are already located on the land, the significant size of the proposed building in comparison to the existing structures, as well as the appellant's wish to introduce livestock and sell produce at local markets would likely give rise to an increase in the type, size, and frequency of vehicles accessing the site to the detriment of highway safety.
14. For these reasons, it has not been adequately demonstrated that the appeal proposal would be acceptable in highway safety terms. The development would therefore conflict with Policies P5 and S1 of Bolton's Core Strategy Development Plan Document (adopted March 2011) (CS) which seek, among other matters, to promote road safety and ensure that new development takes into account accessibility.

Character and Appearance

15. The appeal site is an agricultural field which slopes gradually downwards from north to south. The site is bounded to the north and east by further agricultural land, by residential properties on Meadow Way to the west, and the grounds of Blackrod Primary School to the south. The site is largely devoid of any built form and is well screened along its northern, eastern, and southern boundaries by mature trees and hedges.
16. The proposed building would be rectangular in shape with a single pitched roof, and walls constructed in painted concrete blocks with the upper half clad with weatherboarding. The building would also include a large roller shutter door and standard sized door on the front elevation, with windows on each side elevation. The development would therefore have the appearance and design of a simple, modern agricultural building appropriate to its proposed use and location within an agricultural field.
17. Although the proposed development would be larger and taller than any of the existing structures on the site, its siting at the bottom of the sloping field greatly reduces its prominence and visual impact in the wider area. Furthermore, the existing buildings and structures which would be removed as part of the appeal proposal are in many cases tired and dilapidated, and

therefore do not contribute positively to the character and appearance of the area.

18. The topography of the site, along with the existing screening provide by trees and hedges along the site boundaries, mean that the impact of the proposed building on the landscape setting and views from public areas would be extremely limited. Whilst views of the building would be afforded from rear facing windows and gardens of residential properties on Meadow Way, the building would be a significant distance away from these properties and viewed against a backdrop of large mature trees. As a result, the proposal would not be significantly intrusive in the wider landscape and would have little effect on the character and appearance of the area.
19. For the reason given above, I conclude that the development would not result in harm being caused to the character and appearance of the area. Consequently, the proposed development would not conflict with Policies CG3 and OA1 of the CS and Policy DES1 of the Blackrod Neighbourhood Development Plan (June 2021). These policies, among other matters, seek to ensure that developments respect the character and appearance of the area and do not harm the landscape setting including protecting views from public areas to the surrounding landscape.

Conclusion

20. I have identified that it has not been demonstrated that the proposed development would be acceptable in highway safety terms. Whilst the proposal would not be inappropriate development in the Green Belt and would be acceptable in terms of its effect upon the character and appearance of the area, and would not therefore result in any further harm being caused, this is of neutral effect and as such would be incapable of outweighing any harm to highway safety.
21. The proposed development would not accord with the development plan as a whole, and there are no material considerations to outweigh that finding. Therefore, for the reasons given above, the appeal is dismissed.

David Jones

INSPECTOR