



Appeal Decision

Site visit made on 10 January 2023

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/N4205/W/22/3290601

Wilkinsons Farm, 458 Manchester Road, Blackrod, Bolton, BL6 5SU

- 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 Wilkinson against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 10886/21, dated 15 February 2021, was refused by notice dated 16 July 2021.
 - The development proposed is erection of an agricultural building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) The effect of the proposal on the character and appearance of the area;
 - iv) The effect of the proposal on biodiversity; and
 - v) 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 it.

Reasons

Whether or not inappropriate development

3. Wilkinsons Farm comprises a residential dwelling, hardstanding yard, timber stables and a manege. It is adjacent to Manchester Road, which is developed to both sides with open countryside beyond. It is in the Green Belt.
4. 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.
5. Policy CG7AP of Bolton's Allocation Plan Adopted December 2014 (the LP) states that the erection of new buildings will not be permitted in the Green Belt

- with limited exceptions including buildings for agriculture and forestry and the provision of appropriate facilities for outdoor sport and outdoor recreation. This is consistent with paragraph 149 of the Framework which states that the construction of new buildings is inappropriate in the Green Belt subject to listed exceptions. Of relevance to the appeal are paragraphs 149 a) buildings for agriculture and forestry and 149 b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
6. The proposal would be a steel portal frame building with stone clad elevations to 1.5m, Yorkshire boarding above and a cement roof. There would be a large opening with a roller shutter door in the south elevation. The building would be roughly 15m x 18m, with eaves height of about 4.5m and ridge height of some 6.5m. It would be used to store vehicles and hay for horses.
 7. Section 336 of the Town and Country Planning Act 1990 provides a definition of agriculture. This includes horticulture, dairy farming, the breeding and keeping of livestock for production or for use in farming land, and the use of land for grazing, meadows, market gardens and nursery grounds.
 8. The appellant owns a number of tractors, most of which are apparently vintage and very few appear to be suitable to be used for agriculture. The appeal site is apparently in equestrian and not agricultural use. There is little evidence that the appellant either owns or rents agricultural land or that any of his tractors are or would be used for the farming of land, either by him or the local farming community. Therefore, while the building would be used to store tractors, it has not been demonstrated that it would be for agriculture.
 9. Hay is an agricultural product, but the appellant buys in hay for his horses and he does not produce it from agricultural land. There is little evidence that the horses are used for the farming of land. The storage of hay would not be in connection with an agricultural operation or for the purposes of agriculture.
 10. Therefore, while it would have the appearance of an agricultural building, the proposal would not be a building for agriculture or forestry. Accordingly, it would not meet the exception in paragraph 149 a) of the Framework.
 11. Although the proposal is described as an agricultural building, the appellant considers it would meet the exception in paragraph 149 b) of the Framework because his vintage tractor collection constitutes outdoor recreation. In this regard, Paragraph 149 b) includes 5 tests that the proposal must satisfy including that the building should be for outdoor sport or outdoor recreation; appropriate for its intended use; that it preserves the openness of the Green Belt; and it should not conflict with the purposes of including land within the Green Belt.
 12. I accept that the appellant keeps vintage tractors as a hobby and he takes them to shows and drives them for pleasure. Moreover, country showgrounds and public highways are outdoors. However, and in the absence of a definition of outdoor recreation, I am not convinced that the keeping of vehicles to drive on roads and attendance at vehicle rallies and shows constitutes outdoor recreation for the purposes of the Framework.

13. The proposal would have the appearance of an agricultural building, but it would not be for agriculture. The building would be much larger than a domestic garage or outbuilding and it would have more in common with a commercial building than a residential development for a private hobby use. While a building in connection with an equestrian use would be for outdoor recreation, the overly large proposal would be disproportionate to the small private stables in this location. Therefore, the proposal would not be appropriate for its intended use including in terms of its scale and appearance.
14. Paragraph 133 of the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects. As the building would be located on previously developed land, there would be no greater built footprint. However, there would be a significant increase in the quantum of built development in a visually open and wide gap between buildings. It would interrupt views of the surrounding open countryside. By virtue of its bulk, scale and its prominent roadside location, the proposal would result in a significant visual impact and it would not preserve the openness of the Green Belt.
15. Paragraph 138 of the Framework lists the 5 purposes of the Green Belt. In this regard, the proposal would apparently meet most of the purposes. However, while the appeal site is previously developed, it is free from buildings and the large storage building would result in visual encroachment into the countryside.
16. Drawing all this together, and irrespective of whether or not the collecting of vintage tractors would constitute outdoor recreation for the purposes of the Framework, the proposal would not be appropriate facilities for outdoor recreation that preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It would not meet the exception in paragraph 149 b) of the Framework.
17. Therefore, I conclude that the proposal would not meet the exceptions in paragraph 149 of the Framework and it would be inappropriate development in the Green Belt. It would conflict with the aims of LP Policy CG7AP and the policies in the Framework that protect the Green Belt.

Character and appearance

18. The appeal site occupies part of a former equestrian paddock in a hardstanding yard adjacent to the road and separated from the footway by a hedgerow. It is part of a loose ribbon of development, predominantly residential, and there is a school on the opposite side of the road. The appeal site is separated from Greenbarn Way to the north, and the residential development beyond, by an area of undeveloped land with grassland and trees. The yard that contains the appeal site is bounded to the west by extensive open undeveloped countryside. Sporadic gaps between buildings, including agricultural fields and developed but open land, provide a visual connection to the wider countryside.
19. The building would be prominently located close to the road and it would have the appearance of a large modern agricultural barn. While agricultural buildings are characteristic of the rural countryside, the building would not be part of a working farm and it would be poorly related to neighbouring dwellings. By virtue of its scale, design and appearance, the building would be an incongruous feature that would be out of character in the context of its

residential surroundings and the nearby primary school. It would not make a positive contribution to local distinctiveness or sense of place.

20. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy CG3 of Bolton's Core Strategy Development Plan Document Adopted March 2011 (the CS) and Policy DES1 of the Blackrod Neighbourhood Development Plan 2018 to 2033 (January 2020). These require, among other things, that proposals contribute to local distinctiveness, being compatible with the surrounding area including in terms of scale and design. It would conflict with the aims of the Framework in relation to development that is sympathetic to local character including the surrounding built environment and that maintains a strong sense of place.

Protected Species

21. The building would be located in an area that includes piles of rubble and building materials, hedgerows, scrub and grassland. As there is a pond within 250m and the location provides habitats suitable to be used by great crested newts, the proposal has the potential to result in impacts on the species and its habitat, which would potentially be offences due to the European protected species status of great crested newts.
22. The Council did not request an ecological survey during the processing of the application because it considered that the scheme was unacceptable on other substantive grounds relating to the Green Belt. The appellant was not aware of the Council's concerns until the application was refused. However, while he states he would have provided a survey if one had been requested, no survey or assessment of impacts has been provided with the appeal. The proposal fails to demonstrate that impacts on great crested newt and its habitat would be avoided or adequately mitigated. It does not attempt to address the reason for refusal or to justify why permission should be granted in the absence of evidence to demonstrate that the relevant requirements of biodiversity legislation, planning policy and guidance would be met.
23. The Greenspace officer suggests a scheme of reasonable avoidance measures should be requested. The submission of details of mitigation during site clearance and construction could be secured by planning condition. However, if there is no reasonable likelihood of great crested newt being present or affected, then a condition requiring mitigation measures may not meet the tests for conditions in paragraph 56 of the Framework in relation to being necessary and relevant to the development. In the absence of information that establishes the likely presence or absence of the species, this is not a matter that could be satisfactorily addressed by the imposition of conditions.
24. Therefore, I conclude that there is insufficient information to assess the effect of the proposal on protected species, in particular great crested newt. The proposal would conflict with CS Policy CG1 which requires, among other things, that the rural area is safeguarded from development that would adversely affect its biodiversity. It would also conflict with the policies in the Framework and the Planning Practice Guidance in relation to protected species.

Other considerations

25. The appellant needs to store his vehicles under cover in order to protect them from the elements and in the interests of security. However, at least some of

the vintage tractors are currently stored elsewhere, albeit there is some uncertainty in the evidence as to whether or not the appellant owns that storage building. Irrespective, the vintage tractors do not appear to require a Green Belt location and it is not clear that there are no alternative solutions whereby the vehicles could be covered and made secure without the harm that I have found. The vintage tractors carry little weight in favour of the proposal.

26. I accept that buying hay in bulk may be more economical than buying by the bale, and that hay needs to be properly stored to prevent it deteriorating. However, there is little evidence that bulk hay storage for the appellant's horses requires a building of the scale proposed. The financial benefit to the appellant from bulk hay purchase carries negligible positive weight.
27. I note the suggestion that the proposal would improve the appearance of the yard. However, the appeal does not relate to the entire yard and there is little evidence that it would be tidied up if the appeal was allowed. Therefore, this carries neutral weight.
28. Planning permission (Ref 68962/04) was granted in 2004 for the formation of a 20m by 40m sand paddock together with the erection of a 1.2m high post and rail boundary fence. That scheme was considered in an earlier policy context. Even if it had been assessed against the Framework, there is little evidence that the former manege was a building for the purposes of paragraph 149 b). The former equestrian use does not weigh in favour of the proposal.

Green Belt balance

29. I have concluded that the proposal would be inappropriate development in the Green Belt and it would result in a moderate loss of openness of the Green Belt. The Framework is clear that inappropriate development is harmful to the Green Belt and substantial weight should be given to any Green Belt harm. The harm to the character and appearance of the area and the likely harm to protected species weigh against the proposal to a significant degree.
30. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harms. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

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

Sarah Manchester

INSPECTOR