



Appeal Decision

Site visit made on 21 February 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/N4205/W/22/3306264

Yard at the rear of Newgate Cottages, Plodder Lane, Bolton BL5 1AH

- 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 David Peters against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 11737/21, dated 3 June 2021, was refused by notice dated 2 March 2022.
 - The development proposed is the erection of a multipurpose agricultural building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a multipurpose agricultural building at Yard at the rear of Newgate Cottages, Plodder Lane, Bolton BL5 1AH in accordance with the terms of the application, Ref 11737/21, dated 3 June 2021, subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan - Proposed agricultural building, Site Plan - Proposed agricultural building and Livestock Building, Drawing No. C247 Revision A.
 3. Development shall not commence until drainage works for the building hereby permitted have been carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Application for costs

2. An application for costs was made by Mr and Mrs Peters against Bolton Council. This application is the subject of a separate decision.

Preliminary Matter

3. Within its decision notice, the Council included a second reason for refusal which concerned the effect of the proposed development on great crested newts. The evidence submitted with this appeal indicates that the Council is satisfied with the results of the survey provided during the course of this appeal. The Council states that the habitat at and around the appeal site is deemed of low overall terrestrial value and that there is no biodiversity impediment to the determination of the appeal. As such, I consider that the second reason for refusal falls away.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

5. The appeal site is a parcel of land on the northern side of Plodder Lane, to the rear of a row of residential properties. The site includes a number of agricultural buildings, associated built form and areas of external storage of various machinery and bales of hay. The immediate locality has a strong rural character, with vast expanses of countryside, interspersed with residential development.
6. Policy CG7AP of the Local Plan, Bolton's Allocations Plan (December 2014) (the LP) states that the Council will not permit inappropriate development in the Green Belt. This policy notes that inappropriate development includes anything that does not maintain openness of land or which conflicts with the purposes of including land in the Green Belt, and sets out a list of exceptions to what would be considered inappropriate development. One such exception is the erection of new buildings for agriculture and forestry.
7. This set of criteria is broadly consistent with the National Planning Policy Framework (the Framework) which makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It advises that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions, one of which at paragraph 149 a), is buildings for agriculture and forestry.
8. The proposed building would be of a typical agricultural design, with concrete panels, fibre cement roofing, vertical boarding and a cattle barrier. It would reflect the design and size of the surrounding buildings, particularly the lambing shed to which it would be attached. The building would house livestock during winter months, lambing seasons and during illness/when receiving treatment, along with the storage of machinery/fodder at different times of the year. The proposed building would be of a generous size and thus could accommodate this range of uses.
9. At the time of my site visit, the existing buildings within the appeal site were well used for a range of purposes. These include storage of hay, haylage and silage, machinery, cattle and sheep. I also observed sheep grazing in the adjacent field, within the appellant's ownership. It seems to me that there was little available space within the existing buildings for additional storage and I note the evidence which indicates that the appellant is increasing their livestock numbers.
10. Based on these observations, and along with the information before me, there is clear evidence of a farming enterprise operating from this site. I also note that the appellant farms a considerable amount of land, through a combination of their own land surrounding the appeal site and further land elsewhere under tenancies. Given the dispersed nature of this farming business, it is stated that this proposal would enable the appellant to tend to the needs of livestock from one central location and provide for improved management through storage of machinery.

11. Neither policy CG7AP of the LP nor the Framework require proposals to demonstrate that there is a genuine agricultural need for the development or that the building is reasonably necessary for purposes of agriculture. I have determined this appeal as applied for, although I nevertheless consider that an agricultural need for the proposal has been demonstrated.
12. Accordingly, the proposal would consist of the construction of a new building clearly for the purposes of agriculture thus it would not be inappropriate development in the Green Belt, with it being within the exception stated in paragraph 149 a) of the Framework and Policy CG7AP of the LP.
13. I note that the Council went on to consider the effect of the proposal on the openness of the Green Belt. However, given that I have found that the development does not amount to inappropriate development in the Green Belt, there is no need for me to assess the effect of the proposal on the openness of the Green Belt as this is implicitly taken into account within the exception at 149 a) of the Framework. I also do not need to consider whether there are other considerations and whether they amount to very special circumstances to justify the development.

Other Matters

14. I note the suggestion that the existing building which the proposal would be connected to is unlawful as a number of pre-commencement conditions have not been satisfied. Nevertheless, the Council has not raised concerns with regard to the design and external appearance of the proposed building. Concerns regarding the intended use of the proposed building and that another business may be operating from the appeal site have also been raised. All of these matters are not for me within the context of this appeal and I consider that the Council would have separate powers to address these concerns where necessary.
15. In terms of flood risk, I note there appears to have been extensive removal of land in and around the appeal site, the merits of which appear to be under consideration in another application. Nonetheless, no drainage proposals to support the appeal development have been provided. Given the concerns raised and the scale of the development, an appropriately worded condition could be attached to ensure that adequate drainage is achieved.
16. I observed a mix of open and wrapped storage of hay/haylage/silage. There is anecdotal evidence which suggests that current storage of fodder and other products is inappropriate. However, this matter along with concerns for potential contaminated land, human health and fire risk, are not for me within the context of this appeal. Further, the Council has not suggested attaching a condition relating to contamination.
17. The evidence indicates that The Health and Safety Executive and Cadent Gas raise no concerns with regards to the proposal's relationship with the nearby high pressure pipeline. I have no compelling reason to find otherwise.
18. The proposed building would be set well back from the nearest residential properties. Whilst the access road has a close relationship with neighbouring dwellings, I am not convinced that the appeal proposal would result in significantly greater comings and goings compared to the existing

arrangement, thus resulting in harm to the living conditions of neighbouring occupiers. The Council has raised no concerns in this regard.

19. Further, no concerns have been raised by the Council or consultees in respect of coal mine entries and I have no conclusive evidence to indicate that the proposal would directly impact on any such features.

Conditions

20. The Council provided a list of conditions they recommend attaching in the event that the appeal were to be allowed, which the appellant was afforded an opportunity to comment on. Conditions specifying the time limit and plans list are necessary in the interests of certainty. As referred to above, a condition relating to drainage is necessary in the interests of ensuring the site can be suitably drained. Both main parties agree to the imposition of such a condition.
21. The Council's recommended condition that no open storage is to take place within the confines of the site is not necessary given the red line boundary of the appeal site. Additionally, the suggested pre-commencement condition requiring the submission of details of the external facing materials is not necessary as these are appropriately indicated on the approved plans.

Conclusion

22. For the reasons set out above, the proposal would accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, the appeal is allowed.

H Ellison

INSPECTOR