



Appeal Decisions

Site visit made on 3 May 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Ref: APP/N4205/W/22/3308596

Isherwood Fold Barn Brookfold Lane, BOLTON, BL2 4LT

- 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 Anthony Whittle against Bolton Metropolitan Borough Council.
 - The application Ref 14091/22, is dated 28 June 2022.
 - The development proposed is change of use from stables to 1no. residential dwelling (C3).
-

Decision

1. The appeal is dismissed.

Main Issues

2. Although it did not issue a formal decision notice, the Council has provided an assessment of the proposal, with an indication of the reasons for which it would have refused the application. I have based the following main issues on that assessment:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework); and any relevant development plan policies, including the effect on openness;
 - the effect of the proposal on the character and appearance of the area, and
 - whether the integrity of a public right of way would be retained.

Reasons

Whether inappropriate development

3. The site is within the Green Belt, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework indicates that inappropriate development, which includes the construction of new buildings, is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. Policy CG7AP of the Bolton Allocations Plan 2014 (Local Plan) sets out a similar approach.
4. The proposal to convert the stables on the appeal site to residential use would re-use an existing building which is of permanent and substantial construction. Framework Paragraph 150d) says that such development would not be inappropriate in the Green Belt, provided that it preserves openness and does not conflict with the purposes of including land within it.

5. The proposed alterations to the building would alter its appearance, but no extensions to the footprint are proposed. The addition of dormers within the roof planes would increase the bulk of the building at first floor level, but would not increase its overall height, and any reduction to Green Belt openness would be minimal.
6. The area within the submitted red line plan, which includes the existing garage and land to the north of the stables, appears to have been separated from the adjacent paddock. There is already an area of hardstanding to the side and rear of the building, which is used for parking vehicles. Given the existing circumstances, the change of use of land around the building to form a domestic curtilage would not result in a loss of Green Belt openness.
7. The proposal would not result in additional encroachment into the countryside, nor would it conflict with any other of the 5 Green Belt purposes listed in Framework paragraph 138. As it would preserve openness, the proposal would not be inappropriate in the Green Belt. It would comply with the requirements of Framework paragraph 150d).
8. In terms of volume, the proposed alterations would not result in a disproportionate addition over and above the original building, so the proposal would comply with the requirements of Framework paragraph 149c). For similar reasons, it would also be consistent with Local Plan Policy CG7AP.

Character and appearance

9. The appeal site is located in a rural area, in the hills above Bolton. It is accessed from Brookfold Lane, a narrow lane which serves Harwood Quarry and a small number of dwellings and businesses. Although quiet in terms of traffic, the lane forms part of the footpath network, and is used for outdoor recreation.
10. The existing stables block has the appearance of a simple stone outbuilding. The building faces towards Brookfold Lane, but is positioned at a lower level. When viewed from the lane, the gabled side elevation and the large, shallow slate roof, which extends over the recessed stables, are prominent features.
11. The proposed glazing panels within the front elevation would be screened by the stone boundary wall, and those on the rear would not be particularly noticeable from the public domain. These windows would be acceptable, but the proposal would also involve a new gabled entrance feature on the front elevation, with a smaller dormer set within the roof plane on either side. A further three dormers would be inserted into the rear roof plane.
12. From the front, the proposed entrance feature would be reminiscent of a large barn opening. On its own, this addition would not be objectionable. However, in combination with the proposed dormers on both roof planes, the alterations would change the character of the building to a significant and harmful extent.
13. I appreciate that the use of dormers is an obvious way to create additional living space. However, the front dormers would be highly visible from the lane, and the siting of the building, at a lower level to the road, would exacerbate their prominence. The front dormers would present an overly fussy appearance to the roof plane which would fail to reflect the simple rural character of the buildings in this area.

14. When viewed from the side, both the front and rear dormers would be clearly visible. As a result of the proposed alterations, the building would resemble a flat roofed, two storey structure, rather than a simple rural building with clean lines, as is currently the case. This would cause significant harm to the character of the building.
15. Whilst the building is not currently a dwelling, it would become such under the proposals, so the design advice contained in the House Extensions Supplementary Planning Document 2012 (SPD) is relevant to the appeal. This guidance says that, in areas where dormers are absent, such features are unlikely to be acceptable on elevations which front onto a highway.
16. In the area around the appeal site, built development is fairly sparse, but where there are dwellings, dormers are not a common feature. This may be because there are few barn conversions that have sought to make use of the roof space. Nonetheless, the area is characterised by buildings which are typical of a rural area, with simple roof structures.
17. I conclude that the proposed alterations to the stable building would cause harm to the rural character of the area. As such, the proposal would conflict with Policies CG3 and OA5 of the Bolton Core Strategy 2011. Together, these policies require that new development, including that in North Bolton, conserves and enhances the character of the physical environment and local distinctiveness, ensuring that it has regard to the overall built character and landscape quality of the area.

Effect on a public right of way

18. Concerns have been raised that the proposal would impact on a public right of way, known as Turton Bradshaw North 060.
19. The Council's Public Rights of Way (PROW) officer has provided a map which shows that the approximate route of the footpath passes through the area included within the red line plan. On site, however, the situation is unclear. When visiting, I noticed a footpath marker at the site entrance, but this was indistinct, and it was unclear where the route led to.
20. It appears that the integrity of the PROW has already been affected by development in and around the site, in particular the horse exercise area which is fenced off. By itself, the conversion of the existing stable block would not alter the existing situation, but the proposed change to a residential use would also involve the creation of a domestic curtilage. According to the map provided by the Council, the route of the footpath would pass through what would effectively become part of the garden.
21. Consideration is needed as to how the route of the footpath would be preserved, whilst ensuring the privacy of future occupiers. It may well be necessary to alter the route of the PROW within the appeal site, not least to allow it to pass around the horse exercise area.
22. In the absence of any such information, I am unable to conclude that the integrity of the PROW would be retained. As such, the proposal would conflict with Local Plan Policy P8AP, which is concerned with ensuring the retention and maintenance of the existing linked network of routes.

Conclusion

23. The proposed change of the stables building to domestic use would not constitute inappropriate development in the Green Belt. However, this does not outweigh the harm to the character and appearance of the area which would be caused by the proposed addition of the dormers. In addition, there is a lack of information as to how the integrity of the PROW would be retained.
24. I acknowledge the appellant's frustration that the Council did not raise these matters during their consideration of the application. If they had, these issues may have been resolved. However, I must determine the appeal based on the information before me. For the reasons set out, I have found that the proposal would conflict with the development plan. No other considerations outweigh this finding, so the appeal must be dismissed.

R Morgan

INSPECTOR