



Appeal Decision

Site visit made on 4 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2023

Appeal Ref: APP/N4205/W/23/3314859

The Shippon, Harry Fold Farm, Bradshaw Road, Harwood, Bolton BL2 4JS

- 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 R Byrom against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 13438/22, dated 1 March 2022, was refused by notice dated 15 September 2022.
 - The development proposed is the construction of one detached house to replace the existing garage block (Former Plot C).
-

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 National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the development on the openness of the Green Belt; and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraph 149. Such exceptions include, at paragraph 149(d), the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
4. A definition of 'materially larger' is not set out in the Framework, nor is there any clarity provided within Policy CG7AP of Bolton's Allocation Plan (2014) (AP) against which the Council refused planning permission. AP Policy CG7AP does, however, indicate that development proposals will be assessed against criteria which broadly reflect the Framework. Therefore, in accordance with paragraph 48 of the Framework, I attribute great weight to Policy CG7AP.

5. It is clear from measurements set out in the officer report, which have not been disputed by the appellant, and from the appeal plans, that the proposed dwelling would have an overall volume, footprint and floor area that would be substantially larger than the existing garage building. Accordingly, I can only conclude that the proposed dwelling would be materially larger than the building it would replace and therefore would be inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The appellant has referred me to the other developments, to which I have had regard, as a basis upon which to conclude that the appeal proposal is appropriate development in the Green Belt. I note that The Farmhouse development involved the restoration and extension of an existing building rather than a replacement building and as such it is not directly comparable to the appeal before me. There is disagreement between the parties as to the increase in size of the permitted replacement of Harry Fold bungalow, now The House. It is apparent, however, that the Council concluded that the proposal was not materially larger than the dwelling that was replaced and as such met the Framework paragraph 149(d) exception. Furthermore, all measurements provided for The House and The Shippon show a comparable increase which is considerably less than the increase involved in the appeal proposal.
7. It is apparent, from the evidence provided, that The Byre as approved was significantly larger than the building it replaced. However, there is nothing before me that confirms that the Council concluded that such a development was appropriate in Green Belt terms on the grounds it met exception 149(d) of the Framework. It is not, therefore, directly comparable to the appeal proposal.
8. The Council indicate that The Hollins development was considered, and approved, against what is now paragraph 80 of the Framework which strongly suggests that such a development was not located in the Green Belt. Consequently, it is not comparable to the appeal proposal.
9. Overall, whilst consistency of decision making is important, I have not found, from the evidence available to me, that the highlighted decisions are sufficiently comparable to the appeal before me to form an appropriate yardstick against which the appeal proposal should be measured. Such developments therefore do not alter my findings in this regard.

Openness

10. The Framework, at paragraph 137, sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both spatial and visual aspects.
11. Even if the maximum height of the new house would not be significantly higher than the existing garage block, the full extent of the proposed development would be clearly viewed from the public footpath as it rises above the appeal site. There would also be distant views of the proposed development from a distance on Bradshaw Road. Whilst I acknowledge that the proposal has been designed to minimise its impact on openness, nonetheless, the significant increase in the massing of built form arising from the proposal, when compared with the more modest proportions of the existing garage on site, would be discernible from such views.

12. I therefore conclude that the proposed development would result in a loss of openness of the Green Belt in this locality and would conflict with AP Policy CG7AP as well as the Framework which require development to not impact on openness.

Other Considerations

13. I am aware that the Council cannot demonstrate a five-year housing land supply. The proposed development would, therefore, assist in boosting the housing supply in circumstances where there is an identified shortfall. Such a matter carries moderate weight.
14. It has been advanced that the appeal proposal could meet the mobility needs of the appellant. The evidence before me, however, does not convey that those needs demand this location or could not be met through adaptations to The Shippon. Therefore, such a benefit attracts moderate weight in favour of the appeal proposal.
15. The appeal proposal, as set out above, would be smaller in form and scale to the other developments at Harry Fold Farm and would not be as great an increase to the size of the building it would replace than the development at The Byre. Be that as it may, I have assessed the appeal proposal on its planning merits and found that the proposed development would be inappropriate in the Green Belt and would result in a loss of openness. Such matters, therefore, attract limited weight in favour of the proposal.
16. I note that planning permission for a dwelling was granted on the appeal site but not implemented. However, the evidence before me strongly suggests that the permission is no longer extant. Consequently, there is not a fall-back position that weighs in favour of the proposal.
17. The acceptability of the proposed design, and the absence of harm to the living conditions of neighbours and to the character and appearance of a Conservation Area or an area of special landscape value, are neutral factors. That the proposal would be smaller in overall scale and of a different design than the previously refused planning application on the same site, subsequently dismissed on appeal, is also a neutral factor. As such they do not weigh in favour of the proposal.
18. Additionally, there is nothing before me that suggests that my findings would be inconsistent with the previous appeal decision.

Green belt balance

19. Paragraph 147 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
20. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to the openness of the Green Belt.

21. The absence of a five-year housing land supply, the mobility needs of the appellant and the form and scale of the other buildings at Harry Fold Farm, identified above, are matters of limited or moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters identified in the evidence, do not clearly outweigh the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

22. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
23. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR