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# Appeal Decision

Site visit made on 16 January 2024

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 February 2024**

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**Appeal Ref: APP/N4205/W/23/3324134**

**876 Plodder Lane, Bolton BL5 1AJ**

- 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 Faruk Puda against the decision of Bolton Metropolitan Borough Council.
  - The application Ref 15229/22, dated 31 December 2022, was refused by notice dated 4 April 2023.
  - The development proposed is the demolition of existing bungalow and erection of new dwelling, including erection of new detached outbuilding.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr Faruk Puda against Bolton Metropolitan Borough Council. This application is the subject of a separate Decision.

## Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

## Main Issues

4. The main issues are:
  - (i) Whether the proposal would be inappropriate development in the Green Belt;
  - (ii) The effect of the proposal on the openness of the Green Belt, and the character and appearance of the surrounding area;
  - (iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the proposal.

## Reasons

### *Whether Inappropriate Development*

5. The appeal relates to a detached hipped roof bungalow that lies within a ribbon of houses that front the northern side of Plodder Lane. Whilst the pattern of development along this side of Plodder Lane is scattered, with intervening areas of agricultural land and open fields, the appeal site sits within a clearly identifiable group of 4 detached properties.
6. The appeal site is located within the Green Belt. Although no reference is made to very special circumstances, Policy CG7AP of Bolton's Allocation Plan 2014 (Local Plan) broadly reflects the advice within the Framework and expresses a general presumption against inappropriate development in the Green Belt.
7. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out that the construction of new buildings is inappropriate except for a limited number of exceptions. Of these, subsection d) of this paragraph, allowing for "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*", is the most relevant to the appeal proposal.
8. The appeal proposal is for a replacement dwelling and as such meets the first part of this criterion. However, the main parties disagree about whether the proposal would be materially larger than the building that it replaces.
9. The development plan does not set out any volumetric or other standards. Nor does it, or the Framework, provide any detailed guidance on how 'materially larger' should be assessed. In my view, it is a matter of fact and degree, and an assessment should consider all of the relevant circumstances, which could include, among other things, the floor area, volume, height and form of the relevant buildings.
10. The appellant has not provided me with any statistical measurements of the sizes and volumes of the existing and proposed building. However, according to the Council's uncontested measurements the proposed development would increase the floorspace by approximately 319.4%. The Council also calculate the footprint of the proposal to be approximately 49% over and above that of the existing building and to be around 4.2 metres taller. I have no substantive reason to question these figures. All of these factors would result in a noticeable increase in the scale, bulk and massing when compared to the existing building on the site. I take the view that such increases cannot reasonably be considered to be anything other than materially larger.
11. Consequently, the proposal does not fall within the fourth bullet point exception of paragraph 154 d) and would constitute inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework, and Local Plan Policy CG7AP.

### *Openness and Character and Appearance*

12. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.

13. I have already found that the proposal would be materially larger than the building that it would replace. Its increase in height and bulk would be clearly visible from public views and would inevitably impact on the spatial and visual dimensions of the site and cause moderate harm to the openness of the Green Belt in this location. It would also fail, albeit to a relatively small extent, to safeguard the countryside from encroachment.
14. From all that I have read and seen on my site visit it is clear that the other neighbouring properties within the group of 4 buildings have previously been extended and altered. Nonetheless, these properties sit within larger plots than the appeal site and have a mixture of roof forms, none of which are of a ridge and gable design. These roof forms, along with the open areas and first floor gaps to the sides and between dwellings in this group provide a degree of visual relief and separation in the built form. These factors positively contribute to the sense of spaciousness of this area.
15. The proposed dwelling would be a similar width to the existing bungalow, and I note that some of the other buildings within the group have front gable features. However, the change in roof form to a ridge and gable design and the increase in the scale and massing of the proposal would noticeably reduce the first-floor gaps to either side of the appeal building and interrupt the sense of spaciousness and rhythm of this part of the road. There is also little substantive evidence before me to demonstrate that the proposal's roof ridge height would not appear taller and step up and jar against the heights of the neighbouring dwellings in this group.
16. Consequently, I find that the proposed development would also cause harm to the character and appearance of the area. It would thereby conflict with Policies CG3 and OA4 of Bolton's Core Strategy Development Plan Document (March 2011). These require, amongst other things, for development to be compatible with the surrounding area, in terms of factors such as scale, massing, grain and form; and conserve and enhance the character of the existing physical environment. Similarly, it would not accord with the design objectives of the Council's 'General Design Principles' Supplementary Planning Document.

### **Other Considerations**

17. The appellant has referred to a number of planning permissions that have been granted at 874, 880 and 882 Plodder Lane. However, it appears on the basis of the evidence before me that these consents relate to extensions rather than demolition and replacement dwellings in the Green Belt. On the evidence presented I am unable to conclude that their circumstances are directly comparable with those which apply in this appeal. They therefore carry very little weight.
18. It has been put forward that outbuildings, extensions and additional storeys could be constructed under permitted development rights and represent a fallback position. The Framework's support for upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the street scene is also noted. However, there is no certificate of lawful development or extant planning permission to this effect and no plans of such schemes before me. I am therefore unable to be certain that these would be equally or more harmful than the proposal. Given this uncertainty the fallbacks attract limited weight.

19. Whilst there may not be adverse impacts on the living conditions of local residents, highway safety and trees and biodiversity, these matters did not appear to be contentious in the application. As such, the absence of harm in these respects are not factors that weigh in the scheme's favour.

### **Green Belt Balance**

20. I have found the proposal to be inappropriate development in the terms set out by the Framework, and to result in moderate harm to the openness to the Green Belt. The Framework requires me to give these collective harms substantial weight. It would also cause harm to the character and appearance of the area. Even when taken together, the benefits of the scheme, referred to above do not therefore clearly outweigh the substantial harm that I have identified due to inappropriateness and loss of openness, and other harm to the character and appearance of the area. Consequently, the very special circumstances required to justify the proposal have not been demonstrated.

### **Conclusion**

21. The appeal scheme conflicts with the development plan and there are no material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. The appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR