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# Appeal Decision

Site visit made on 9 August 2024

**by L N Hughes BA (Hons) MSc MRTPI**

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

**Decision date: 23 August 2024**

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**Appeal Ref: APP/N4205/W/24/3337221**

**Land adjacent to 455 Manchester Road, Blackrod, Bolton BL6 5SR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Ms Nicola Woods against the decision of Bolton Metropolitan Borough Council.
  - The application Ref is 17069/23.
  - The development proposed is permission in principle for the erection of up to 2 dwellings.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application form description of the development included reference to it being an 'infill site'. As this does not identify the type of development proposed, I have removed it from the description above.
3. The proposal is for 'permission in principle', to establish whether the site is suitable in principle, whereby the scope of matters to be considered is limited to location, land use, and the amount of development permitted. The indicative site layout is therefore illustrative only. If I were to allow the appeal, all other detailed development matters would be considered under a subsequent second 'technical details consent' stage.
4. Following the application's refusal, in March 2024 the Places for Everyone Joint Development Plan Document 2022 to 2039 (PfE) was adopted as part of the development plan for Bolton Council and 8 other authorities. The appellant has had the opportunity to comment on this, albeit the adoption resulted in no changes to the general approach to assessment of the proposal.

## Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

## Reasons

6. The site lies within the Green Belt, comprising a field in between 2 properties. In order to assess whether the site would be suitable for residential development having regard to location, land use, and the amount of development, 3 Green Belt matters must be considered.

7. These are, whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') (2023) and any relevant development plan policies; its effect on the openness of the Green Belt; and whether any 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 necessary to justify the development. The consideration of location and land use also requires assessment of the effect on the character and appearance of the area.

#### Inappropriate Development

8. The Framework paragraph 142 identifies 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. The PfE Policy JP-G9 and Bolton's Allocations Plan (BAP) Policy CG7AP together align with the Framework's approach to the Green Belt.
9. The Framework Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). It establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. The relevant exception under consideration comprises limited infilling in a village under paragraph 154(e).
10. The 2015 dismissed appeal for 2 dwellings on the site<sup>1</sup> concluded that it did not form part of a village, and would thus not fall within this exception. Case law has established that formal settlement boundaries identified in the development plan may not reflect the position 'on the ground' in this regard. However, the on the ground situation does not appear to have materially changed from the previous Inspector's assessment of the site context, which was explicitly identified as not being based on where the infill limit formally lay.
11. It is not disputed that Scot End Lane would fall under the commonplace definition of a village. However, I find that Manchester Road clearly forms a natural boundary to the built form of the village, separating it visually and functionally from the appeal site. All along its western side in this vicinity lie dwellings and other built development. Development on the eastern side is extremely limited. This land is open countryside, including the appeal site, with only a few dispersed dwellings within it. As such, additional dwellings on the appeal site would not form part of the established development pattern.
12. The appellant references other examples, but whether a site lies within a village or not is a matter of planning judgement based on its precise context. Those examples are therefore not determinative. The use of the permission in principle route does not reduce the need to assess the proposal against the Green Belt, or provide any additional support for the site's development.
13. I therefore see no reason to take a different view to the previous Inspector. As such, whether or not the proposed development could be classed as infilling, it is not within a village and would not meet the exception under paragraph 154(e) of the Framework. It would be inappropriate development in the Green Belt, and would conflict with Section 13 of the Framework, the PfE Policy JP-G9, and the BAP Policy CG7AP.

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<sup>1</sup> Appeal Ref: APP/N4205/W/15/3131636

## Openness

14. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects, and is also a matter of planning judgement. Spatially, the erection of up to 2 dwellings and associated domestic paraphernalia would result in built development and massing where there is presently none. It would therefore result in a loss of openness in spatial terms.
15. Visually, the site as a vegetated field forms an integral part of the open countryside, the wider expanse of which can be viewed across it. The site contributes to this being the dominant feature of the eastern side of Manchester Road. Notwithstanding the presence of neighbouring dwellings, the openness of the Green Belt is therefore evident around the property and this wider area. The dwellings would be clearly visible and create an urbanising effect, which would cause visual harm to this openness.
16. The proposal would therefore result in significant harm to openness, to which the Framework requires that I give substantial weight. The proposal would also fail to assist in safeguarding the countryside from encroachment, one of the five purposes of the Green Belt. It would be inappropriate development in the Green Belt, which is, by definition, harmful, and contrary to the main aims of Green Belt policy at local and national levels.

## Character and appearance

17. The site forms part of a wider rural character to the eastern side of Manchester Road, creating a relatively verdant boundary to the built form of the village to the west. This character incorporates long range views over the site to connect it to the wider expanse of countryside within which it sits. The proposal would thus change the site's character and appearance from an open green field, into a domestic context. Although the site size would be sufficient for up to 2 dwellings to fit within it, and their design could blend with those nearby, this would not mitigate their harmful effect on this character.
18. As such, the proposal would not be suitable for residential development having regard to its location and the proposed land use, as it would cause harm to the character and appearance of the area. It would conflict with Bolton's Core Strategy Policy OA1, the PfE Policies JP-P1 and JP-G1, and Policy DES1 of the Blackrod Neighbourhood Development Plan. Together and amongst other matters, these require development to respect and enhance the distinct local character, including landscape features and setting, and to have regard to views and perceptual qualities from public areas to the surrounding landscape.

## Other Considerations

19. The Council cannot demonstrate a 5 year housing land supply, and so the Framework paragraph 11(d) falls to be considered. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. However, as the proposal conflicts with the Framework relating to the Green Belt, the presumption in favour of sustainable development therefore does not apply.
20. Nevertheless, the benefits of the proposal, including its contribution to the housing supply, may still comprise VSC. The Framework seeks to significantly

boost the supply of homes, and gives support at paragraph 70 for small windfall sites. The proposal is in a relatively sustainable location in terms of access to services and facilities. However, the provision of up to 2 dwellings on the appeal site would make a very small-scale contribution to the shortfall, even were this to be 'critical' as cited by the appellant from an unreferenced appeal decision.

21. There would also be very small social and economic benefits from local construction, and the occupiers increasing local expenditure and demand for local services. Overall, I give minor weight cumulatively to the benefits of a new dwelling in this location.
22. The appellant intends for the dwellings to be self-build for themselves and other family members. However, no mechanism has been presented to secure that the proposal would be self-build, such that I cannot be certain of its delivery as such. I therefore do not find support for the scheme on this basis.

### **Planning Balance and Conclusion**

23. In summary, due to its effects on openness, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework. The Framework requires that substantial weight should be given to any harm to the Green Belt, and that inappropriate development should not be approved except in VSC. It explains that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. Against the totality of the harm I have identified, I have found no other considerations in this case that would individually or cumulatively clearly outweigh the harm to the Green Belt. Therefore, the VCS required to justify a grant of permission in principle have not been demonstrated. The proposal would thus conflict with the Green Belt policies in the Framework and the development plan. As such, the site would not be suitable for residential development having regard to its location, the proposed land use, and the amount of development.
25. The proposal would be contrary to the development plan and the Framework taken as a whole. With no other material considerations indicating otherwise, for the reasons given above I conclude that the appeal is dismissed.

*L N Hughes*

INSPECTOR