



Appeal Decision

Site visit made on 29 October 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/N4205/W/24/3346738

Former Kearsley Golf Driving Range, Moss Lane, Kearsley, Bolton BL4 8SF

- 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 Mr M Warburton against the decision of Bolton Metropolitan Borough Council.
 - The application Ref is 17857/24.
 - The development proposed is described as "application for permission in principle for the demolition of existing driving range facility together with erection of 7no dwelling units with associated garden and parking spaces (access and layout details only)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle ("PIP"). The Planning Practice Guidance advises this is an alternative way of obtaining planning permission for housing-led development. The PIP consent route has two stages: the first stage (PIP) establishes whether a site is suitable in-principle, and the second stage (technical details consent - "TDC") is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The consideration for PIP is limited to location, land use and the amount of development permitted¹. All other matters are considered in the subsequent TDC application if PIP is granted. I have determined the appeal accordingly.
4. The appellant has submitted drawings that include a site layout and floor plans of the proposed dwellings. Due to the limited scope of PIP, I have treated these drawings as illustrative.
5. The description of development in the banner heading above differs from that contained within the planning application form. However, the amended description was suggested by the Council at the validation stage, and the appellant has confirmed they did not raise an objection to the change. Consequently, I have used the amended description of development.
6. The appellant's appeal statement says the proposal is for "*up to 7 dwellings*". Where-as the description of development both within the planning application form and in the agreed amended description states the proposal is for seven dwellings. I must take account of the description of development and therefore, I have determined the appeal on this basis.

¹ Paragraph: 012 Reference ID: 58-012-20180615

7. The Council's third reason for refusal states that the site edged red does not extend up to the junction with the adopted highway. The appellant submitted a revised Location Plan with their appeal statement that amended the site edged red to include the site's existing access up to its junction with Moss Lane and part of Moss Lane. This land is within the appellant's ownership and was edged blue on the original Location Plan.
8. The amendment to the site edged red does not involve a substantial difference or a fundamental change to the planning application and the Council and interested parties have had an opportunity to comment upon it. Accordingly, accepting the revised drawing would not cause any unlawful procedural unfairness to those involved in the appeal. For these reasons, I have accepted the revised drawing and determined the appeal on this basis.

Main Issues

9. The main issues are:

- a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- b) the effect of the proposal on the character and appearance of the surrounding area;
- c) whether justification has been provided that clearly demonstrates the existing facility is surplus to requirements;
- d) whether the site edged red is acceptable to achieve a safe and accessible access; and
- e) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development?

10. The appeal site is within the Green Belt. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
11. The appeal site comprises a golf driving range facility consisting of various buildings and structures including a bungalow, an existing access onto Moss Lane, an internal access track, and land that is said to have been used as a putting green. It is proposed to demolish the existing buildings/structures and construct seven dwellings.
12. Paragraph 154 of the Framework explains that other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions pertinent to the appeal proposal are: *(e) limited infilling in villages*, and *(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in*

continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.

13. Policy CG7AP of the Local Plan: Bolton's Allocations Plan, Shaping the Future of Bolton, adopted 2014 ("LP") lists exceptions whereby development within the Green Belt would not be inappropriate. However, the policy restricts limited infilling to Hart Common and Scot Lane End, and the partial or complete redevelopment of previously developed sites is required to not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. Consequently, LP Policy CG7AP is more restrictive and as such, is not wholly consistent with the Framework. I will return to this matter later in my decision.
14. The appellant asserts the proposal meets exception (e) *limited infilling in villages*. The Framework does not define "village". However, case law² indicates that when considering whether a settlement is a village or whether a site is in a village, decision makers should have regard to the situation "on the ground" as well as any relevant policies.
15. The appeal site is clearly separated from Kearsley by the undeveloped parts of the golf driving range facility and therefore, it does not form part of this urban area. The surrounding land uses include a temple, an astroturf pitch, and a dwelling with associated agricultural/equestrian uses that are interspersed with open land. These uses and my observations on site lead me to conclude that they could not be described as a "village". For these reasons, the appeal site is not within a village and therefore it would not meet the exception set out in paragraph 154(e) of the Framework.
16. Turning to part (g) of paragraph 154 of the Framework, it is common ground between the parties that the appeal site meets the definition of previously developed land, as detailed within Annex 2: Glossary of the Framework. I concur with that assessment on the evidence before me and from my own observations on site. It is therefore necessary to determine whether the proposal would have a greater impact on the openness of the Green Belt than the existing development.
17. When considering a proposal's effect on openness, there is both a spatial and visual strand. The application is for PIP and so the scale and siting of the proposed dwellings is not yet known. Illustrative drawings show how the site could be redeveloped to accommodate seven dwellings. Information has also been provided that suggests the dwellings could have a reduced floor area and volume when compared to the existing buildings/structures which could improve the openness of the Green Belt.
18. However, the illustrative drawings indicate that a substantial part of two of the dwellings, some of the parking areas, a large proportion of the internal access road, and the rear gardens of the proposed dwellings (where domestic paraphernalia would likely be present), would extend beyond the existing buildings/structures into areas that are currently devoid of development. The spread of built development across the site would therefore increase. The proposal, if it was developed in accordance with the illustrative drawings, would have a greater spatial impact on the openness of the Green Belt than the existing development.

² Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

19. The appeal site is highly visible from Moss Lane, particularly at the junction with the appeal site. The illustrative drawings suggest that one of the proposed dwellings would be sited closer to the junction than the existing buildings/structures. Consequently, it would be more prominent and therefore, it would have a greater visual impact on the openness of the Green Belt than the existing development.
20. I accept the illustrative drawings are just one example of how the appeal site could be redeveloped. However, I am uncertain how seven dwellings with their associated gardens, parking areas and an internal access road could occupy the appeal site without significantly increasing the spread of built development.
21. Consequently, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. Therefore, it would not meet the exception set out in paragraph 154(g) of the Framework.
22. In reference to the first main issue, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would conflict with paragraph 154, parts (e) and (g) of the Framework and LP Policy CG7AP. I am not obliged to assess the proposal against the purposes of including land within the Green Belt, as there is no requirement under paragraph 154 (e) or (g). For the same reason, Policy JP-G9 of the Places for Everyone Joint Development Plan Document, adopted 2024³ ("PfE") is not applicable to the first main issue.

Character and Appearance

23. The edge of Kearsley is clearly demarcated to the north and is separated from the appeal site by the undeveloped parts of the golf driving range facility and a woodland. The land surrounding the appeal site predominantly comprises sporadic buildings interspersed with open land that is rural in its character and appearance.
24. The appeal site's buildings/structures are single storey, comprise a mix of materials and form a cluster of development surrounded by open land. Although some of the buildings/structures are dated they were not dilapidated at the time of my site visit, nor did they detract from the character or appearance of the surrounding area. In contrast, seven dwellings spaced around an access road with associated gardens and parking areas would have an urbanising effect that would be incongruent with the character and appearance of the surrounding rural area.
25. In reference to the second main issue, the proposal would harm the character and appearance of the surrounding area. It would conflict with Policies JP-P1 and JP-G1 of the PfE and Policy OA6 of Bolton's Core Strategy Development Plan Document, adopted 2011 which, amongst other things, seek to ensure developments respect and acknowledge the character and identity of the locality, and conserve and enhance the character of the existing physical environment.

³ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022-2039, adopted 2024

Surplus Need?

26. Paragraph 103 of the Framework states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. Parts (b) and (c) of paragraph 103 are not applicable to the proposal.
27. The appellant asserts that the site was marketed by two different agents between January to December 2018 and between June 2021 to June 2022, and despite a small number of telephone calls and email enquiries, no offers were received. However, limited evidence has been provided to support these assertions, or to demonstrate how/where the site was advertised. Consequently, I cannot be certain the site was marketed appropriately.
28. I have been directed to Bolton Council Open Space, Sport & Recreation Study ("the Study") to support the appellant's assertion that there are a significant number of similar facilities within proximity of the appeal site. However, the Study focuses on golf clubs, rather than golf driving ranges. Furthermore, the Study was published in June 2007 and therefore, its findings are dated and are unlikely to be representative of the current situation.
29. The appellant states there has been little investment in the facility in the last 50 years and therefore requires extensive renovation. I accept that some of the buildings are not of a modern appearance however, at the time of my site visit they did not appear to be dilapidated. Furthermore, some works appear to have been recently undertaken to the driving range building, which suggest the buildings are capable of modernisation.
30. The appellant has submitted profit and loss accounts from 2014 to 2023 with their appeal statement that indicate the business made a loss each year except when benefitting from Government grants during Covid-19 and, contrary to the appellant's claim, a profit was also made in 2014. However, other than 2023 (which was the year the facility closed), the losses associated with the facility were limited. The appellant suggests there has been an ongoing decline in customer numbers. However, other than in 2020 during Covid-19 and 2023 when the facility closed, the turnover for the facility was consistently between £28,000 - £31,000. Consequently, I am not convinced that the profit and loss accounts demonstrate that the facility is clearly surplus to requirements.
31. The appellant states they have tried to revitalise the facility. However, it is unclear what these efforts entailed. Furthermore, I am not convinced from the evidence before me that the facility's closure since January 2023 proves that it is surplus to the community's sporting needs.
32. In reference to the third main issue, insufficient information has been submitted to demonstrate the existing golf driving range facility is clearly surplus to requirements. It would therefore conflict with paragraph 103 of the Framework.

Highway Safety

33. Although highway safety is not a matter for consideration at the PIP stage, the Council raise concern that a safe and sustainable access could not be achieved at the TDC stage due to the site edged red not extending up to the junction with Moss Lane and excludes Moss Lane.

34. As detailed above, I have accepted the revised Location Plan with the amended site edged red. Accordingly, any alterations to the access could be undertaken at the TDC stage should I allow the appeal. Furthermore, the Council's Highways and Engineering department confirm that the existing access route would be adequate to support the level of use proposed and raise no objection. Therefore, it is unlikely the existing access would require improvements.
35. Consequently, in reference to the fourth main issue, the amended site edged red is acceptable to achieve a safe and accessible access. It would comply with Policy JP-C8 of the PfE that, amongst other things, seeks to prioritise safe and convenient access to the site and buildings for all users.
36. The Council's reason for refusal also lists PfE Policy JP-C1, which seeks to create an accessible low-carbon Greater Manchester by minimising both the need to travel, and the distance travelled by unsustainable modes of transport. The Council does not raise an objection to the proposal on this basis and therefore, PfE Policy JP-C1 is not directly applicable to this main issue.

Other Considerations

37. The proposal would support the Government's objective of significantly boosting the supply of new homes, and assist the Council who currently cannot meet their five-year housing land supply of deliverable sites. There would be some economic benefits from future occupiers supporting shops, services and facilities. However, the proposal is for seven dwellings and therefore its contribution to these matters would be restricted. There would also be some economic benefits during the construction of the proposal, however, these benefits would be for a temporary period. I therefore afford these benefits moderate weight.
38. The appeal site would be within walking and cycling distance of services, facilities and public transport links. However, there is an absence of a pavement and street lighting along Moss Lane which may dissuade some future occupiers from utilising modes of transport other than the private car particularly during the dark and in inclement weather. I therefore afford this moderate weight.
39. The proposal would attract money from the New Homes Bonus and Council Tax receipts. However, due to the small number of dwellings, the contribution would be limited.
40. The appellant asserts that the proposed dwellings would meet local demand for bungalows, and it would relieve pressure on the development of more sensitive greenfield sites for housing. However, limited evidence has been provided to support these claims. Furthermore, the proposal is for PIP therefore, it is not known at this stage whether the dwellings would be single storey, nor could a condition be imposed to limit the number of storeys. I therefore afford these matters limited weight.
41. The appellant asserts that the proposal would be a deterrent for trespassers that may venture onto other properties, and it would provide a natural deterrent for potential theft. However, I am not aware that trespassing or theft is a particular problem experienced within the surrounding area. Furthermore, the appeal site currently contains a dwelling, and a further dwelling is sited

adjacent to the appeal site, both of which offer a degree of natural surveillance. I therefore afford this limited weight.

42. It is stated that the proposal would result in a reduction in the number of vehicle movements to and from the site. However, I have no substantive evidence before me to support this view. The appellant also asserts that the proposal would reduce the number of vehicles parking within the car park. However, the car park falls outside the appeal site, and I do not have a mechanism before me to prevent vehicles from parking on the land. I therefore afford this limited weight.
43. The proposal is said to include public open space for the benefit and enjoyment of residents. However, the illustrative drawing does not include any public open space. While I acknowledge the drawing is illustrative, it is unclear how the appeal site could accommodate seven dwellings and leave sufficient space for an area of public open space. I therefore afford this limited weight.
44. I accept the proposal could be designed to complement housing nearby and not adversely affect the living conditions of the occupiers of neighbouring dwellings; that a comprehensive landscaping scheme could be included as part of the site's redevelopment; and that the proposal could incorporate features to enhance biodiversity. However, I am not convinced that these matters would go beyond the development plan's requirements and therefore they would not carry weight in the consideration of the appeal. Similarly, the proposal's lack of harm to any designated nature conservation sites, the site's location within Flood Zone 1, and supporting infrastructure already being present on the site, are all neutral matters.

Conclusion

45. The proposal would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I have also found harm to the character and appearance of the surrounding area and inadequate evidence has been advanced to demonstrate the facility is surplus to requirements. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
46. Given the substantial weight to be given to Green Belt harm and the harm I have found to the appeal proposal's effect on the character and appearance of the surrounding area and the loss of the driving range facility, relative to the moderate/limited benefits of the proposed scheme, the harm is not clearly outweighed by other considerations. Therefore, in respect of the fifth main issue, the very special circumstances necessary to justify the proposal do not exist.
47. As previously discussed, LP Policy CG7AP is not wholly consistent with the Framework and the Council has confirmed they cannot currently demonstrate a five-year housing land supply of deliverable sites. Even if I was to conclude that the policies which are the most important for determining the appeal are out of date, I have found harm to the Green Belt. Accordingly, paragraph 11(d)(i) of the Framework would apply and therefore, the application of policies in relation to the protection of the Green Belt provide a clear reason for refusing the development. As such, the presumption in favour of sustainable development is not applicable.

48. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR