



Appeal Decision

Site visit made on 5 August 2025

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/V4250/W/25/3367174

Roadside Farm, Astley Moss, Astley, Lancashire M29 7LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Samantha Gallagher against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/24/97347/FULL.
 - The development proposed is “to create new cat rescue and rehoming centre with associated cattery buildings with solar panels to roofs, siting of workers accommodation cabin, creation of parking area, new fencing, and retention of vehicular access, surface water culvert, and associated hardstanding.”
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Samantha Gallagher against Wigan Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Neither of the main parties has provided written confirmation that a revised description of development, matching that used by the Council on their decision has been agreed. However, as both parties have used this description in their appeal submissions, and it is a much clearer description of the development proposed, I have used it in my heading above. I am satisfied that no prejudice arises to any party as a result.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on biodiversity.
 - 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 required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site lies within the Green Belt, identified in Policy JP-G9 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, adopted 21 March 2024 (the Plan). That policy sets out that the Green Belt serves the purposes set out in the National Planning Policy Framework (the Framework).
6. The Framework requires that substantial weight be given to any harm to the Green Belt, including to its openness, and is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Development in the Green Belt is inappropriate unless one of the exceptions listed in the Framework applies. The appellant acknowledges that the appeal site is not previously developed land but instead claims that the site is instead an infill site, which should benefit from that exception in the Framework.
8. I note that the site is not within the domestic garden of Roadside Farm. Whilst it is clear from the evidence that it was formerly connected to it, the evidence before me, and my observations on site make clear that it is now physically and functionally separate to it.
9. I agree with the appellant that whether or not the site lies within a village is a matter of planning judgement, not simply a matter of reference to defined boundaries. I also agree that the site is within a cluster of local farms and associated businesses. However, I cannot agree that this functional and visual cluster constitutes a village. Instead, on the evidence and my observations of the site, its surroundings and the wider area during my site visit, I consider that it is instead just that, a cluster of development, comprising some local farms and associated businesses. The location of the site, its relationship to neighbouring properties and uses, and indeed its relationship to the wider area all reinforce this judgement. The local highway network, being made up of apparently private and poorly surfaced single-track roads adds to this character and my assessment of it. Small groups of buildings in various uses, including relatively isolated houses associated with businesses set apart from this cluster but within the same landscape and same Green Belt also contribute to this character. The area having sparse pockets of development, clustered in places, but in my judgement, never in such numbers, density or character as to appear as a central point which one might reasonably construe to be a village.
10. As such, I do not consider that the proposal represents limited infilling in a village.
11. As none of the other exceptions in the relevant part of the Framework apply, I find that the proposal would be inappropriate development in the Green Belt.

Effect on openness

12. As the appellant makes clear, openness has visual and spatial components, and caselaw accepts that a development which could harm openness could be visually acceptable and vice versa.

13. I accept that the site and the proposal does not necessarily represent an intrusion into otherwise open countryside. There is a modern dwelling to one side, with farm and rural business buildings to 2 other sides. In addition, the site is visually well contained, and the appearance of it would not be so substantially different from other nearby businesses visible from the road. The nature and status of the access road would further reduce visual effects.
14. However, the development of the site would have an effect on the visual openness of the Green Belt; the site would change from an open area within the Green Belt to one on which substantial development had taken place. This would be harmful to the visual openness of the Green Belt including the site itself which is currently largely open.
15. A substantial portion of the site would be built on through the provision of the chalets, office, storage, toilets, utility area, workers' accommodation, isolation pens, bin stores and pathways. Therefore in spatial terms the proposal would cause harm to openness.
16. The appellant has referred to the recent redevelopment of Roadside Farm in their assessment of openness. I do not have the details of the process, case or considerations which led to that redevelopment. In any event, I have already considered the effect of surrounding development, including Roadside Farm when reaching my conclusions on openness.
17. Overall, I find that the proposal would cause moderate harm to the openness of the Green Belt. It would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment as it would lead to the development of otherwise open land, irrespective of its level of visual containment. As the fundamental aim of Green Belt policy is to keep land permanently open and the essential characteristics of Green Belts are their openness and permanence, these harms must attract substantial weight.

Biodiversity

18. In respect of biodiversity, the Council's decision notice is very widely framed but clearly refers to the inadequate demonstration of potential effects on sites, habitats and species. In addition, Policy JP-G8 of the Plan refers to the enhancement of biodiversity.
19. I accept the point made by the appellant that it does not explicitly mention the delivery of biodiversity net gain (BNG), now required by statute. However, it is clear from the Officer Report and consultee comments, to which the appellant has responded, as well as correspondence during the validation of the application, that the appellant was aware of the need for BNG.
20. Despite that, the detail of the proposal before me does not make suitable provision for BNG. Indeed, the evidence of the appellant, concludes that the development will result in a measurable loss to local biodiversity. That same evidence sets out that the scale of the project and nature of the site does not allow for on-site BNG. The proposal would then require off site biodiversity units or biodiversity credits to off-set, and there is no evidence that such off-setting has been secured or even that it is feasible.

21. Turning to habitats, whilst the evidence of the appellant acknowledges the potential for the site to constitute functionally linked land associated with both the Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), there is no further detailed assessment of this. There is no compelling evidence before me that the proposal would not cause harm. Similarly, there is no assessment of the effect of the proposal on the non-statutory designated sites such as the Chat Moss Remnants, despite acknowledging their proximity to the appeal site.
22. In respect of protected species, the appellant has submitted testing results for one of the potential Great Crested Newt (GCN) habitats in range of the site. This showed no evidence of GCN in that potential habitat. However, that same evidence and the case of the appellant make clear that not all likely suitable habitats were surveyed, owing to access difficulties. Whilst this is unfortunate, it does make plain that there is an unknown element to the likely effect of the proposal on any local GCN population. I note the comments around the nature of these potential habitats, being managed and stocked fishing lakes so less suitable to support GCN. I also note the suggestion that enhancement of the ditch along the boundary or the provision of a pond could offset any GCN habitat loss. However, there is little detail on these proposals, their likely suitability or effectiveness. I do not therefore consider that I have been presented with compelling evidence of sufficient strength or clarity to find that the proposal would not have an unacceptable effect on protected species.
23. The consultation response from the Greater Manchester Ecology Unit (GMEU) did suggest that some deficiencies could be overcome through the imposition of conditions. However, it was also clear that in respect of others, further information was required. Whilst the appellant has sought to provide some further information, it is insufficient to either address the concerns of GMEU, or to give me sufficient comfort as to the likely effect of the proposal on sites, habitats or protected species.
24. As such, I cannot be certain that the proposal would not cause unacceptable harm to biodiversity, and as such, it conflicts with Policy JP-G8 of the Plan and national policy in the Framework.

Whether very special circumstances exist

25. There are other considerations which do weigh in favour of the appeal proposal. The business plan and emails from cat owners and service users strongly suggest that there is a high level of need for a development of this type. There is also evidence on the sustainability and energy efficiency of the proposed buildings themselves.
26. I note the suggestion that the proposal could provide training opportunities for veterinary staff, and that this is found within the business plan. However, beyond that simple assertion, and a reference to a BBC report, there is little compelling evidence to demonstrate that need. Nor is it clear that training providers or trainees are, would be, or could be, committed to taking up those opportunities at the appeal site. It is also not clear how such training opportunities would relate to the proposed self-contained nature of the operation, particularly with regard to minimising travel and the overall sustainability of the site and location.

27. I have however found harm to the Green Belt by reason of inappropriateness and harm to openness. These harms should be given substantial weight. I have also found that I cannot be certain that the proposal would not cause unacceptable harm to biodiversity. This too, given the development plan and legislative conflict must be given substantial weight.
28. The other considerations in this case do not therefore clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conditions

29. The Council and appellant have suggested a number of conditions to be attached, should planning permission be granted, and the appellant has highlighted to me conditions suggested by GMEU. Having had regard to the requirements of the Framework and the Planning Practice Guidance (PPG) I have considered whether or not the parts of the development which I have found unacceptable could be made acceptable through the use of conditions. Given the significance of the harm and development conflict I have found, I am not satisfied that conditions could appropriately remedy that harm, particularly in relation to biodiversity.
30. My conclusions on that issue, and then the relationship of that issue to the decision as a whole, including the Green Belt tests, therefore remain unchanged.

Conclusion

31. Taking all of the above together, I find that the proposal conflicts with the development plan, and there are no material considerations of such weight to indicate that a decision be taken other than in accordance with it.
32. The appeal should therefore be dismissed.

S Dean

INSPECTOR