



Appeal Decision

Site visit made on 30 September 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 29th October 2025

Appeal Ref: APP/N4205/W/25/3369739

Land to the south of Sunnybank, Prestolee

- 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 Mr Tunde Olasupo of Believe Achieve CIC against the decision of Bolton Metropolitan Borough Council.
 - The application Ref is 19287/24.
 - The development proposed is the siting of shipping container together with the change of use of land to facilitate a hub for youth community bike rental, repair and training scheme, together with the addition of timber cladding to the exterior of the container, erection of 2 metre weldmesh boundary fencing and associated landscaping, all for a temporary period of two years.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Tunde Olasupo of Believe Achieve CIC against Bolton Metropolitan Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. A revised description of development was agreed between the appellant and the Council during the determination of the planning application; this is duplicated within the banner above. However, I have removed the phrase “Retrospective application for ...” as this does not refer to an act of development.
4. The Application Form states that work or the change of use has started but has not been completed. As above, the agreed description of development referred to a retrospective application. During my site visit I observed that some of the work had been completed, but not all. Consequently, I will refer to the appeal proposal as the proposed development; albeit some parts of the development are already completed.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular reference to the effect on trees; and
 - whether the proposed use is appropriate for the appeal site.

Reasons

Character and appearance

6. The appeal site is an area of grassland which opens onto Bridge Street, it is in a prominent position close to the entrance to Prestolee. The site is not enclosed by a boundary treatment and contains several trees which are subject to a Tree Preservation Order (TPO)¹. The appeal site is verdant and open in character and provides a break between development in Prestolee and the River Irwell.
7. Buildings in the area tend to be set back from the road and enclosed by low boundary treatments, typically brick walls. There are some examples of metal railings on top of these walls including around the garden of The Grapes public house, and around Prestolee Primary School. The siting of buildings back from the road, alongside views across the front gardens creates a sense of openness.
8. The proposal includes the installation of a 2m high security fence around the appeal site. Although this would provide security benefits, the utilitarian appearance and height of the fence would appear out of keeping with the existing boundary treatments in the area. Planting is proposed between the highway and fence to soften its appearance. However, it would take time for the vegetation to mature, and it would not be reasonable to seek to retain the vegetation in perpetuity. Furthermore, the installation of a tall, albeit mesh, fence, close to the site's boundary would create a sense of enclosure and erode the sense of openness around the appeal site. Consequently, the proposed fence would appear incongruous.
9. The appellant has indicated that the construction of a gate and a fence would be permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Whilst the installation of gates and fences is permitted by the GPDO, this is subject to conditions and limitations. It has not been demonstrated that the proposed fence complies with the GPDO. Consequently, very limited weight is ascribed to this as a material consideration.
10. The siting of the shipping container within the appeal site would introduce massing to a largely undeveloped site. Furthermore, the form and shape of the container would appear unusual within the street scene. However, the container would be of a modest scale, clad in shiplap, and have a sedum roof. It would also be sited in a corner of the appeal site and would primarily be viewed alongside much larger development. On balance, the shipping container once clad and with a sedum roof would not overly contrast with the verdant appearance of the appeal site and would assimilate with nearby development.
11. There is no cogent evidence that the installation of the fence or siting of the shipping container would have a harmful effect on the root protection area of any of the existing trees. However, the Arboricultural Impact Assessment² did not assess the effect of an intensification of use of the site by cyclists on existing trees. Therefore, it has not been demonstrated that the proposed use of the site would not have a harmful effect on existing trees. Notwithstanding this, tree planting is proposed, and further replacement planting could be secured by condition to ensure that the proposal would not lead to a harmful loss of trees within the site.

¹ Bolton (Land off Bridge Street, Prestolee) Tree Preservation Order 2023

² Arboricultural Impact Assessment for retrospective application for shipping container and associated installation of fence, Yew Tree, 12 November 2024

12. Although the appearance of the shipping container would not be harmful and the potential loss of trees within the site could be mitigated, there would still be harm to the character and appearance of the area due to the installation of the fence. The weight ascribed to the harm would be amplified by the site's prominent position at the entrance to Prestolee. The imposition of a two-year limit on the proposed development would lessen but not overcome the identified harm.
13. I conclude that the proposal would have a harmful effect on the character and appearance of the area. Consequently, it would be contrary to policies JP-G7 and JP-P1 of the Places for Everyone Joint Development Plan Document, March 2024 (PfE) and Policy OA6 of the Local Development Framework, Bolton's Core Strategy, Development Plan Document, March 2011. These policies indicate that the Council will respect and enhance the built form and pattern of existing development, amongst other matters. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework (the Framework), where it indicates that planning decisions should ensure that development is sympathetic to local character.

Principle of development

14. The appeal site is identified as an Urban Green Space. PfE Policy JP-G6 indicates that existing urban green spaces will be protected in balance with other considerations and that the development should be designed to support the positive use of nearby green spaces, such as by facilitating easy access by walking and cycling.
15. The proposal would fence off part of the Urban Green Space. Although the evidence before me indicates that this space has been used by the community, it is private land and there is no evidence before me which indicates that access to this land could not be restricted. The proposed use of the site to support a nearby community centre and to act as a "bike library" would facilitate cycling.
16. Whilst I acknowledge interested parties' concerns, there is no substantive evidence before me to indicate that the proposed use would be unsafe in this location, with particular regard to the nearby highway and river, or have a harmful effect on protected species. There is also no cogent evidence that the continuing use of the appeal site for recreational purposes would harmfully affect the living conditions of occupiers of nearby dwellings. Neither is there evidence that the proposal would increase flood risk. Moreover, these matters are not disputed by the Council.
17. Taking the above into account, I conclude that the proposed use would be suitable for the appeal site. The proposal would therefore comply with PfE Policy JP-G6 as it would protect an Urban Green Space and would facilitate cycling.

Other Matters

18. I acknowledge that the proposal would provide social benefits through improving the offering of the community centre. In particular it would reduce barriers to cycling and would offer recreational facilities to young persons. There would be further benefits through the provision of a range of bikes, including those suitable for food delivery which could be used to access food banks. These benefits would be in accordance with paragraph 96 of the Framework which indicates that planning decisions should aim to achieve healthy, inclusive and safe places.

19. Furthermore, I note that the appellant has received grant funding for the proposed use of the site. In addition, I note the letters of support from existing users of the nearby community centre and their families. Notwithstanding this, these benefits would not outweigh the identified harm and resultant development plan conflict.
20. The proposed development is not in proximity to, and there is a significant amount of intervening development between it and the listed Ringley Bridge. Accordingly, it is not within the setting of the bridge.

Conclusion

21. The proposal has an unacceptably harmful effect on the character and appearance of the area. Of particular concern is the tall security fence which would enclose the appeal site. I attach substantial weight to this finding against the appeal.
22. The proposal seeks to provide a community benefit to the local area, also it would provide an extension of the offering of a nearby community centre. The protected characteristics of age and race are relevant to the users of the community centre and occupiers of dwellings in the area. I note that the appeal representations indicate that security fencing would be necessary to stop vandalism and for safety. I sympathise with these circumstances and photographic evidence has been submitted which shows that the shipping container has previously been vandalised. Nevertheless, I have not been provided with evidence that the appeal proposal is the only feasible solution to achieve the appellant's aims. Therefore, whilst I acknowledge the benefits that the proposal brings, these attract moderate weight.
23. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010, but the harm caused by the proposed development outweighs its benefits, in terms of elimination of discrimination against people with protected characteristics, advancing equality of opportunity for those people, and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.
24. The proposal conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR