
Appeal Decision

Site visit made on 15 July 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/T4210/W/25/3363699

Land opposite 41 Arthur Lane, Ainsworth BL2 5PR

- 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 G Spillard against the decision of Bury Council.
 - The application Ref is 71365.
 - The development is described as: "Replacement of stables by a bungalow."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development differs between the application form, the decision notice and the appeal form. I have used the description from the application form as it adequately describes the development proposal.
3. During the course of the appeal the Council adopted the Supplementary Planning Document 11, Parking Standards in Bury (June 2025). Both parties have had the opportunity to comment on any implications of this change.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
 - the effect of the proposal on the character and appearance of the area; and
 - whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

6. Paragraphs 154 and 155 of the Framework set out that development in the Green Belt should be regarded as inappropriate, other than in certain exceptions. These include paragraph 154 g), which allows for limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or continuing use, which would not cause substantial harm to openness of the Green Belt. Paragraph 155 allows for the development of homes on grey belt land where specific criteria are met.
7. Policy OL1/2 of the Bury Unitary Development Plan, Written Statement (1997) (the UDP), directs that new buildings in the Green Belt are inappropriate development, and lists a number of exceptions. These do not include exceptions that reflect paragraphs 154 g) and 155 of the Framework. I have attributed more weight to the wording of the Framework in this regard. UDP Policy H1/2 does not directly refer to Green Belt. UDP Policy EN 1/1 refers to visual amenity of Green Belt and its justification refers to out of date national policy. This pre-dates the Framework, which concerns itself with an assessment of openness only.
8. I have not been referred to any specific policies within Places for Everyone Joint Development Plan 2022-2039 (Places for Everyone), within the Council's decision letter or officer report. The appellant has drawn my attention to Policy JP-G9. This re-states the five Green Belt purposes including safeguarding the countryside from encroachment amongst other things, and in the main, refers to beneficial uses of Green Belt helping to deliver environmental and social benefits.
9. The Council's officer report lists the exceptions in paragraph 154 of the Framework and concludes that the proposal does not amount to limited infilling. I agree. The Appellant concludes that the proposal falls within the parameters of paragraph 154 g) in the sense that the proposal amounts to the partial/complete redevelopment of previously developed land. The evidence, and my site observations support the conclusion that the proposal falls within this exception. Accordingly, I must consider the effects of the proposed development on openness.
10. There is a 3-bay stable block on the site, alongside other temporary structures, such as a portable toilet and a box van body. These are modest and set back along the southern boundary of the site, such that a significant portion of the site is open, with an absence of built features, along the northern part of the site. Whilst there is hard surfacing, this undeveloped frontage is cohesive with the larger adjoining field to the west. The space at the front of the site also provides a distinct separation between the cluster of residential dwellings on the opposite side of the lane, and the open countryside. Further large storage containers are sited within the tapered corner of the site; however I am advised that these are unauthorised and are not immune from enforcement action.
11. The proposed bungalow would be significantly larger than the existing stable block and positioned within the open portion of the land. This would erode spatial openness. There would also be a significantly reduced gap between the cluster of dwellings, and built development on the appeal site, leading to the erosion of both spatial and visual openness. Whilst the stable block would be removed as part of the proposed development, that space would be subsumed by the rear elements of the bungalow with the remainder occupied by residential garden, which could be used for the siting of domestic paraphernalia, and car parking spaces.

12. The proposed development would cause substantial harm to the openness of the Green Belt in both spatial and visual terms. It would therefore fail to accord with the exception set out at paragraph 154 g) of the Framework.
13. Grey belt land is defined as land in the Green Belt, comprising previously developed land and/or any other land that, in either case, does not strongly contribute to the Green Belt purposes of checking unrestricted sprawl of large built-up areas; preventing the merging of neighbouring towns; and preserving the setting and special character of historic towns. The site is remote from any towns or other large built-up areas. Furthermore, the site does not relate to areas or assets listed in footnote 7 of the Framework (other than Green Belt). As such, and in the absence of any evidence to the contrary, it can be considered to be grey belt land.
14. Paragraph 155 of the Framework allows for development on grey belt land if all of the specified criteria (a. to c.), are met. The proposal would satisfy criterion a. as it is in a remote location and there is no evidence that it would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan.
15. The 'Bury Five Year Supply of Deliverable Housing Land, 1 April – 31 March 2029', supplied by the Appellant shows that the Housing Delivery Tests was below 75% of the housing requirement over the previous 3 years, up to 2023, with the 2024 figure of 76%, being a forecast only. On the basis of the available evidence before me, and in the context of meeting the requirements of paragraph 155, criterion b. would also be satisfied.
16. The Appellant's appeal statement, observes that the site is not near to a large built up area, (in this case Bolton or Bury), and the officer report states that it is not within the village of Ainsworth. There is a pavement along Arthur Lane providing safe refuge for pedestrians, towards the village of Ainsworth, however, no evidence has been provided to demonstrate that this village provides services and facilities, or that the appeal site is within walking distance of sustainable modes of transport. Moreover, my observation on site, and that of the Inspectors' in both previous appeal decisions¹, was that the site junction where the access road meets Arthur Lane is poor in terms of visibility. Albeit the latter Inspector found in favour of the scheme before them, as it was found that there would be no intensification of use of the site access.
17. The appellant's stance is that the matter of sustainability is no longer an issue, due to an extant permission on the site. Whilst it may be a relevant factor, the main focus of criterion c. is on sustainable locations. This includes transport modes, and safe and suitable access, amongst other things. As such, as an accumulation of the above points, and with limited evidence to the contrary, I conclude that the proposal would fail to accord with criterion c. As a result the proposal would not accord with the grey belt exception set out at paragraph 155 of the Framework.
18. Accordingly the proposal would be inappropriate development in the Green Belt, and my previous conclusions establish that the proposal would also lead to substantial harm to the openness of the Green Belt. It would conflict with the relevant provisions of Policy OL1/2 of the UDP and Policy JP-G9 of Places for Everyone, and the Framework.

¹ APP/T4210/W/20/3258314; APP/T4210/W/21/3288575.

Character and appearance

19. The appeal site is within open countryside and has a simple rural appearance and character. In this way it is cohesive with the adjoining field to the west and the wider rolling landscape beyond. The stable building is low-level, and recessive, setback in the plot with a backdrop of tall trees. It is also visually distinct from the cluster of two-storey dwellings as they are separated from the site by the lane. As such, I consider the site to be outside of a semi-urban environment. The Council advise that the site lies in a Special Landscape Area, however I have not been provided with the detail of this designation.
20. The design of the bungalow is simple and well-proportioned. However its frontage position would dominate the plot, and it would be incongruous with the rural undeveloped character of the adjoining field and landscape beyond. The bungalow, together with the additional domestic features such as car parking and the driveway, would have a harmful urban sprawl effect. The incongruous appearance of the proposed development would be particularly pronounced for users of the public right of way that runs along the private lane.
21. Consequently, I conclude that the proposed development would significantly harm the character and appearance of the area. In this regard, it would conflict with the relevant provisions of Policies EN1/1 and EN9/1 of the UDP. Amongst other things, these policies do not permit proposals that would have a detrimental effect on the visual quality of areas such as Green Belt and require development to be sympathetic to its surroundings.

Other Considerations

22. The stable block can be converted to a dwelling, with a forward extension, on the basis of the appeal decision from 2021². The appellant has evidenced that this is an extant permission, and this has not been countered by the Council. I am also satisfied, on the basis of the evidence before me, that if the appeal proposal were not erected, there is a greater than theoretical prospect that the approved development would be carried out, as a commencement has been made.
23. The conversion of the stable, even with the forward extension, would have a smaller massing and footprint than the appeal proposal, and would occupy a less commanding position in the site, as the bulk of the development would be within the rear of the plot. For this reason it would be less harmful than the proposed development before me, and I therefore attribute this fallback position limited weight.
24. The appellant also points out that permitted development rights remain in place, for alterations to the approved stable conversion, including an upper floor and an extension to the side. I have been provided with limited detail about the extent to which the approved dwelling might be enlarged, which makes comparison difficult. Furthermore, I have no substantive evidence to indicate that there is more than a merely theoretical prospect that permitted development rights would be utilised, after the stable conversion was carried out.
25. The proposal would result in moderate social and economic benefits associated with the provision of one additional dwelling.

² APP/T4210/W/21/3288575

26. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have concluded that the fallback position carries limited weight, and the provision of a new dwelling would carry moderate weight. This must be balanced against the substantial weight that the Framework directs must be given to any harm to the Green Belt. In these terms, the other considerations do not, individually or cumulatively, outweigh the harm to the Green Belt and any other harm, in this case harm to the character and appearance of the area. Therefore, very special circumstances necessary to justify the development do not exist.

Planning Balance

27. Footnote 8 of the Framework tells me that Paragraph 11 d) of the Framework is engaged as the Housing Delivery Test (HDT) falls below 75%. Paragraph 11 d), directs that where there are no relevant development plan policies, or the policies which are most important for determining an application are out-of-date, permission should be granted unless certain circumstances apply. One such circumstance is where the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provides a strong reason for refusing the proposed development.
28. In this case, I have found that the proposal would conflict with the relevant policies of the Framework relating to Green Belt. Therefore, even though the HDT is not met, the proposal would not be supported under 11 d) of the Framework.

Conclusion

29. The proposal would conflict with the development plan when taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For these reasons, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR