



Appeal Decision

Site visit made on 7 November 2023

by **R Morgan BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/N4205/W/23/3323754

Land off Dixon Street, Wingates, Westhoughton, BL5 3PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Hollins Homes Limited against the decision of Bolton Metropolitan Borough Council.
- The application Ref 14877/22, dated 24 October 2022, was refused by notice dated 8 December 2022.
- The development proposed is 14 no. dwellings with access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline. Access is included, with matters of layout, scale, appearance and landscaping reserved for future determination. Other than the access, I have treated the details shown on the illustrative layout plan as being indicative.
3. Preparation of the joint development plan for Greater Manchester, Places for Everyone, has involved a review of the Green Belt, and included consideration as to whether the Wingate/Ditchers Farm site, which includes the appeal site, should be added to the Green Belt. However, the Inspector's proposed main modifications to the plan, which have recently been consulted upon, do not include this change, so the site remains outside of the Green Belt.
4. The Places for Everyone plan has now reached an advanced stage in its preparation, but no specific policies have been identified by any party as being of particular relevance to the appeal proposal. I have therefore considered the proposal in light of policies in the adopted development plan for Bolton, which incorporates the Core Strategy, adopted 2011, and the Allocations Plan, dated 2014.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site and surrounding area of undeveloped countryside are identified as Other Protected Open Land (OPOL) in the Allocations Plan. Core Strategy Policy OA3 seeks to concentrate new housing in the urban area of Westhoughton, whilst ensuring that OPOL around the town remains undeveloped. The explanatory text to Allocations Plan Policy CG6AP explains

that, to support urban regeneration, the overall approach is to concentrate development in the existing urban area and to constrain most forms of development on OPOL. This approach aligns with Core Strategy Policy SC1, which indicates that at least 80% of housing development should be on previously developed land.

7. Policy CG6AP sets out categories of development which would be acceptable in OPOL areas, but the proposed erection of up to 14 houses does not fall within any. The proposal does not comply with either Policy OA3 or Policy CG6AP.
8. The appeal site is a roughly rectangular field which forms part of a wider area of open, undeveloped land between the north-eastern edge of Westhoughton, the railway line and the M61 motorway. The countryside here is formed of grazing land with occasional trees and sparse hedgerows. More extensive areas of trees and vegetation frame the boundaries of this area OPOL, screening much of the surrounding built development and contributing to the rural character of the area. The landscape is bisected by the motorway, which is elevated in this location, beyond which the land rises gently to the hills beyond.
9. The agricultural land does not appear to be of high quality, with only remnants of hedgerows and, at the time of my visit, areas of standing water indicating poor drainage. The area displays characteristics of the Agricultural Coal Measures Landscape Character type, which is described in the Landscape Character Appraisal of Bolton 2001 (LCA) as poor grade farmland, which has suffered under-investment, leading to deterioration of features such as hedgerows. The area also displays features of the Urban Farmland Landscape Character Type, which is described within the Greater Manchester Landscape Character and Sensitivity Assessment 2018 as open farmland formed of small and medium sized pastoral fields, which forms a rural buffer between residential areas and the Pennine foothills. As is typical of this character type, the area around the appeal site is crossed by footpaths, with a major transport corridor, in this case the M61, visually exposed and audible.
10. Whilst influenced by the surrounding residential development and the M61, the site, and the wider area of countryside which it forms part of, nonetheless has a rural quality. It forms part of a wider buffer of countryside around the northern edge of the town and the motorway, which provides a rural setting for this part of the town, with visual links to the uplands to the north.
11. Recent housing development at Hartleys Farm, off Wingates Way, has eroded this area of countryside to some extent. However, in following the existing road pattern, that development reflects the characteristics identified in the LCA, in which ribbons of development closely mirror the road network. Furthermore, the new housing at Hartleys Farm is generally well screened by woodland and confined to the edge of the area of OPOL, leaving the wider undeveloped area intact.
12. An assessment of the wider Ditchers Farm area of OPOL was undertaken by the Council as part of the Review of Protected Open Land in Bolton (2018). This found that in terms of landscape and visual amenity, this area of open land has a variable sensitivity to development, with areas closest to the settled edge being less sensitive to change. In relation to the appeal site specifically, the Review concurred with the findings of the previous planning Inspectors who

dealt with similar proposals on this site in 2017 and 2018¹, that development here would be an intrusion into the open area, rather than being well connected with the settlement edge.

13. I agree. The surrounding area is influenced by its location on the irregular edge of a settlement, but the proposed development would not follow the pattern of existing roads. Other than the adjacent small development of four houses on Vista Close, the site would be surrounded by open land. On its own, the site itself does not contain any particularly valued features or attributes. Nonetheless, by extending a finger of built development into this undeveloped area, the proposal would relate poorly to the existing built form, and would harmfully erode the integrity of the wider buffer of countryside.
14. The submitted Landscape and Visual Appraisal (LVA) concludes that the visual impacts of the development would be localised, and I acknowledge that existing built form and vegetation around the settlement edge would provide screening from many vantage points. The presence of the existing houses on Vista Close mean that views of the site from Dixon Street would be restricted to the access way into the development, and existing woodland would provide screening from properties along Wingates Lane. Existing vegetation would also provide a reasonable amount of screening for occupiers of the houses on Airework Street, Back Aireworth Street, and to users of the footpath between Vista Close and Slack Lane.
15. However, the proposal would be clearly visible from existing dwellings on Vista Close; from properties to the rear of Wingates Square, and from the public footpath between Dixon Street and Church Lane. When viewed from these locations, the proposed houses would be clearly visible and would harmfully erode the open rural character of the area. Looking north-east from the section of footpath which crosses agricultural land to the rear of properties on Church Lane and Manchester Road (A6), the effect of the proposed development would be to partially enclose the existing open area. This would significantly reduce the extent to which this area appears part of a larger expanse of countryside.
16. The existing houses at Vista Close have little boundary planting and are clearly visible from the footpath to Church Lane. The proposed development would not alter that situation, rather it would extend built development further into the countryside, increasing the impression of urban style development in this rural location.
17. It would also be seen from the motorway. Despite the recent development at Hartley Farm, which is very close to the M61, the overall impression is of a significant expanse of open countryside, with built development well screened by trees. Views of the site from the motorway would be very fleeting, but the site would be clearly visible. The development would be seen in the context of the four houses at Vista Close, to the rear and slightly higher, but would nonetheless foreshorten the distance to the urban edge.
18. The appellant has provided an illustrative masterplan showing how the site could accommodate the proposed 14 houses, with open space and additional hedgerow and tree planting to bolster existing vegetation and enhance biodiversity. This information was not provided as part of the earlier proposals on the site, and shows how, over time, landscaping could soften the

¹ Appeal refs APP/N4205/W/17/3184723 and APP/N4205/W/16/3162124

appearance of the development and help to filter views of the new houses. That said, given the existing sparsity of trees around the site boundaries, the planting would take a number of years to become established. Even then, it would be unlikely to provide more than partial screening. The proposed landscaping would not be sufficient to mitigate the harm to the wider area of open countryside which would occur.

19. I conclude that the proposed development would harmfully erode this area of open land, causing significant harm to the character and appearance of the area. It would fail to comply with Core Strategy Policy CG3, which requires that development maintains and respects the landscape character of the surrounding countryside. It would also conflict with Policy OA3, which, as well as ensuring that Protected Open Land around Westhoughton remains undeveloped, also requires that development here conserves and enhances the character of the existing physical environment, having regard to the wider open landscape.
20. There would be further conflict with Allocations Plan Policy CG6AP, which restricts development within areas of Protected Open Land.

Other Matters

21. The site is within the Development High Risk Area for coal mining. The submitted Geo-Environmental Assessment Report has identified the need for intrusive ground investigations to be carried out, and a Coal Mining Risk Assessment to support the application. In the absence of such an assessment, the Coal Authority have raised a substantive concern about the proposal. I note the appellants comments that other Coal Mining Risk Assessments undertaken in the locality have identified low risk associated with coal seams, given their depth. Even so, without further investigation into the situation on this particular site, the risks here are unknown, and could impact on the potential for development on the site. They also call into question the ability of the site layout to be arranged as proposed in the indicative masterplan.
22. In order to mitigate noise from the motorway and ensure satisfactory noise levels for future residents, the submitted Technical Note for Acoustics suggests that 2.1m acoustic fencing would need to be installed around many of the gardens of the proposed houses. The need to install such high fencing would increase the urban appearance of the development and lessen the ability of landscaping to provide softening. I acknowledge that a much higher acoustic fence has been installed at the recent Hartley Grange development, but that follows the line of the motorway, rather than being within centrally located within the large open area, as would be the case in the current appeal.
23. I note concerns raised by local residents about the impact of additional traffic on local roads, but no objection has been raised by the Council's highways engineer, given the level of development proposed. I have no reason to take a different view.
24. According to the appellant's information, local utility services are capable of supporting the proposed development, and I have no reason to doubt this. The site is not at risk of fluvial flooding, although I saw at my site visit that the area is prone to standing water after significant rain. If the development were otherwise acceptable, a detailed surface water drainage strategy could be provided at reserved matters stage. Similarly, I am satisfied that opportunities

for ecological enhancement on the site could be secured at reserved matters stage.

Other considerations

25. The proposal would provide up to 14 family homes which would make a positive contribution towards meeting local housing needs, in an area with an acknowledged shortfall of housing land.
26. Paragraph 69 of the Framework recognises the important contribution which small and medium sites can make to meeting the housing requirement of an area. In this case, the development would be provided by a small local developer who could bring forward the site quickly.
27. The previous appeals on this site, in 2017 and 2018, would have been considered in light of the 2012 version of the Framework. Whilst that document did not include a specific reference to the benefits of small sites, the Inspector in the 2018 appeal clearly took account of this matter anyway, noting that the small size of the site meant it could be commenced without the need for significant infrastructure investment. In light of that, the change to the Framework does not justify a different approach to that taken in the previous appeal.
28. The appellant has provided information to show that median and lower house prices have increased relative to incomes in Bolton in recent years. Lack of supply and low levels of housing delivery will contribute to this, but the provision of up to 14 houses will make little difference to the overall situation in the Borough, and the development would not provide affordable houses, so the new dwellings would not be available to those on the lowest incomes.
29. The site is located on the edge of the town of Westhoughton, and there are a range of local facilities and services in walking distance of the appeal site. There are a variety of local employment opportunities, with the potential for a significant number of additional jobs nearby on land west of Wingates Industrial Estate. Public transport options are available nearby, with regular bus services to nearby settlements, and Westhoughton railway station in walking distance, which provide access to destinations further afield. There is also easy access to the M61 and strategic highway network. These matters all weigh in favour of the scheme, but aside from the potential development at Wingates Industrial Estate, do not represent any change since the previous appeals on this site.

Housing land supply

30. There is no dispute that the Council is unable to demonstrate a five year supply of deliverable housing sites. The most recent housing monitoring report, which dates to 2019/2020, identifies a shortfall of 3.7 years, whilst more recent appeals in 2021 and 2022 have used figures of 3.3 and 3.9 years respectively. The parties do not agree on the figure to be used, but either way, it is evident that there is a significant and persistent shortfall in housing land supply.
31. The appellant has provided information suggesting that there has been under delivery every year since 2008/9, with an overall undersupply likely at the end of the plan period in 2026. Given the lack of progress in local plan preparation, I have no clear evidence to suggest that the housing land supply situation is

likely to improve significantly in the near future, despite the preparation of an Action Plan by the Council to address housing delivery.

32. The housing supply issue needs to be addressed, but the situation was not dissimilar at the time of the last appeal on this site in 2018. At that time, the housing land supply figure was around 3 years. Since then, under-delivery has continued and the end of the plan period is now closer, but the completion figures provided by the appellant suggest there has been no further deterioration, with, if anything, a slight improvement in recent year.

Planning policy

33. A number of development plan policies are relevant to the appeal proposal, but the most important policies are Core Strategy Policies CG3 and OA3. Whilst not specifically referred to in the decision notice, Allocations Plan policy CG6AP is also important.
34. Core Strategy Policy CG3 is concerned with creating an attractive built environment, and promotes good urban design, which maintains and respects the landscape character and distinctiveness of the surrounding countryside. Although the Core Strategy pre-dates the Framework, Policy CG3 is consistent with the objective of achieving well-designed places and conserving and enhancing the natural environment, set out in Framework chapters 12 and 15.
35. In seeking to concentrate sites for new housing in the urban area of Westhoughton, Core Strategy Policy OA3 reflects the Framework objective of making effective use of land, and the requirement within paragraph 120c) to give substantial weight to the value of using suitable brownfield land within settlements for homes. The policy also accords with Framework paragraph 124d), which highlights the desirability of maintaining an area's prevailing character. However, in restricting any development in OPOL land around Westhoughton, part 6) of the policy is more restrictive than the Framework. As a result, and owing to the housing land supply situation, Policy OA3 part 6) is deemed to be out-of-date for the purposes of Framework paragraph 11d). For similar reasons, Allocations Plan policy CG6AP, which restricts development within OPOL, is also deemed to be out-of-date.
36. In light of the above findings, I give significant weight in this appeal to the conflict with Core Strategy Policy CG3, a modest amount of weight to the conflict with Policy OA3. I give limited weight to the conflict with Allocations Plan Policy CG6AP.
37. The appellant has highlighted policies and supplementary planning documents which, in their view, the proposal is capable of complying with. However, these matters represent a lack of harm, and there are no policies which promote this type of development in this location. As such, there is a conflict with the development plan as a whole.

Planning Balance

38. The proposal would provide family housing in a location which is accessible to local services and facilities. I agree with my colleagues who dealt with similar proposal on this site, that the proposal would make a modest contribution to housing supply, and attach moderate weight to this benefit. There would also be modest economic benefits through construction and occupation of the dwellings.

39. As acknowledged by the Council, some development of OPOL land will be needed to meet the Borough's housing requirement. However, I share the view of the previous Inspectors that development of this site would cause significant harm to the character and appearance of the area, and I am not persuaded that this harm would be mitigated through the illustrative layout and landscaping proposals, for the reasons set out.
40. Consistency in decision making is an important feature of the planning system. I note the changes in circumstances since the previous appeal highlighted by the appellant, but even in combination, these factors do not lead me to a different view.
41. When taken together, the benefits of the scheme would not be sufficient to outweigh the harm, even when the Framework objective of boosting significantly the supply of housing is taken into account. Overall, the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
42. The appellant has referred to other sites in the area where residential development had been allowed on appeal, following an earlier dismissal on character and landscape grounds². Like the appeal before me, the Bowlands Hey case involved on site on the edge of Westhoughton. In that proposal for full planning permission, relatively minor changes to the scheme, including increased landscaping, were sufficient to overcome the original Inspector's concerns. That is not the case in the scheme before me, for the reasons set out.
43. The Victoria Road, Horwich appeals relate to a different settlement, with slightly different policies. It is evident from the decision letter for those appeals that the Inspector agreed with the Council officer that the proposals, which had been amended in light of the earlier appeal decisions, would comply with relevant development policies for the area. Even if they had not, the Inspector noted that the considerable benefits associated with the schemes, which were significantly larger in scale than the site now at issue, would have outweighed any harm. Again, that is not the case here. The other appeals referred to do not provide a reason to come to a different decision here.

Conclusion

44. The proposal conflicts with the development plan as a whole, and there are no other material considerations, including the provisions of the Framework, which outweigh those findings. Consequently, the appeal is dismissed.

R Morgan

INSPECTOR

² Land at Bowlands Hey, ref. APP/N4205/W/20/3247035
and Land off Victoria Road, Horwich, refs. APP/N4205/W/20/3256381 and APP/N4205/W/20/3266030