
Appeal Decision

Site visit made on 23 August 2016

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 October 2016

Appeal Ref: APP/P2365/W/16/3152846

77 Crabtree Lane, Burscough, Ormskirk, Lancashire, L40 0RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Simpson against the decision of West Lancashire Borough Council.
 - The application Ref: 2016/0017/FUL dated 6 January 2016, was refused by notice dated 6 April 2016.
 - The development proposed is demolition of existing store, alterations to site boundary, re-instatement of hedge and erection of new store.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 2 September 2016

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case are: a) whether the proposal amounts to inappropriate development in the Green Belt; b) the effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and c) if it is inappropriate development, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

3. The appeal relates to a detached dwelling in an area of sporadic development within the Green belt outside the village of Burscough. The site is triangular in shape and adjoins open fields to the southwest and southeast (across Crabtree Lane). The northern boundary abuts a working railway line.
4. Permission is sought to demolish an existing timber store measuring approximately 5.9m x 12.2m in plan, with a ridge height of 3.4m, and replace this with a larger store in the same location towards the rear of the site measuring 12m x 12m with a ridge height of 4.1m. It would have a low brick plinth with green coloured vertical cladding above and a tin sheet roof.

5. The site tapers to a point at the rear to an overgrown area which the applicant says is virtually unusable. As such, part of the proposal is to take this land out of the garden, incorporate it into the field and extend the curtilage into the field on the southwest side to accommodate the proposed store. This would involve removing an existing hedgerow and replacing it with a new beech hedge.

Whether the proposal is inappropriate development in the Green Belt

6. National policy on Green Belt development is set out in the *National Planning Policy Framework* (the Framework). Paragraphs 87, 89 and 90 should all be read together and consequently, development in the Green Belt is inappropriate (and only permissible under very special circumstances) unless it falls within the closed lists of exceptions set out in paragraphs 89 and 90.
7. Paragraph 89 says the construction of new buildings in the Green Belt should be regarded as inappropriate development, subject to certain exceptions including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy GN1 of the *West Lancashire Local Plan 2012-2027* (LP) says development on Green Belt land will be assessed against national policy and any relevant LP policies.
8. Neither the Framework nor the Local Plan quantifies what size of building might reasonably be termed 'not materially larger' than the one it replaces. The existing store has a footprint of about 72sqm and the footprint of the proposed building would be double this, at about 144sqm. There would be a significant and commensurate increase in volume and bulk arising from the extended footprint and increased height. Consequently, I do not find the amount of built development proposed is modest, or within acceptable bounds of tolerance compared with the existing. It thus conflicts with the qualifying requirements of paragraph 89 of the Framework and amounts to inappropriate development.
9. In some cases I accept that a separate outbuilding may be treated as an extension for Green Belt policy purposes if it is so close to the dwelling that it can reasonably be regarded as a normal domestic adjunct. However, due to the degree of physical separation from the dwelling, I do not consider this would be a valid approach in this instance. In any event, even if it was considered as an extension, it would clearly be a disproportionate addition in comparison with the size of the dwelling.
10. Paragraph 90 of the Framework says certain other forms of development are not inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. However, these do not include the change of use of agricultural land to gardens. Therefore, and notwithstanding the 'trade-off' of land which is proposed, this aspect of the proposal also amounts to inappropriate development in the Green Belt.
11. Overall on this issue I conclude that the proposal as a whole represents inappropriate development in the Green Belt. The Framework explains that inappropriate development is, *by definition*, harmful to the Green Belt. It is therefore necessary for me to consider whether any other harm would be caused by the proposal, and then balance the other considerations against the totality of that harm.

Any other harm - effect on the openness of the Green Belt and the character and appearance of the area

12. A large part of the proposed building would occupy a currently undeveloped area and would thus lead to a loss of openness in this part of the Green Belt. Openness means freedom from development, and is only partly concerned with visibility. The cumulative effect of allowing such buildings would conflict with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open and I attach substantial weight to the harm arising from this loss of openness.
13. I have considered whether the character and appearance of this part of the Green Belt would be harmed, taking into account the site's location on close to the edge of Burscough. However, the site is largely screened from public viewpoints, and the existing garage, dwelling and other structures within the site would mitigate the building's impact to some degree. Consequently, I consider the proposal would have only a modest impact on the character and appearance of the Green Belt, and I attach limited weight to this harm.

Other Considerations

14. The appellant says the existing store is too small, and a larger building would allow a motor home and equipment and machinery used to maintain the land to be moved under cover. As well as tidying up the appearance of the garden, he says this would give much greater security as the existing store has been subject to break-ins. Nonetheless, whilst I sympathise with these security issues, such circumstances are not uncommon and improved security may be possible by other means. Therefore this consideration adds little weight in favour of the proposal.

Whether very special circumstances exist

15. I accept that the appearance of the building would generally be in keeping with the character of the area. I also note lack of opposition from local residents. However, these lack-of-harm factors do not add weight in favour of the proposal or diminish the harm by reason of inappropriateness. They merely add no weight against it.
16. Overall, I consider none of these other considerations is sufficient to outweigh the substantial harm I have identified in the form of inappropriate development, together with the substantial harm that would be caused to the openness of the Green Belt, and the limited harm to the character and appearance of this part of the Green Belt. As such, there are no very special circumstances to justify the proposal.
17. It would conflict with LP Policy GN1 and National Policy on Green Belts in the Framework. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR