
Appeal Decision

Site visit made on 18 October 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 28th October 2016

Appeal Ref: APP/V4250/W/16/3155286

Site of 14 Quebec Street, Leigh, Wigan, WN7 4PX

- 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 Ms Mary Bent against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/15/81369/OUT, dated 4 September 2015, was refused by notice dated 6 June 2016.
 - The development proposed is the erection of an end terraced dwellinghouse seeking approval of access, layout and scale.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with means of access, layout and scale to be considered.

Main Issues

3. The appeal site is in the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework including the effect of the proposal on the openness of the Green Belt; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

4. The Framework establishes that new buildings within the Green Belt are inappropriate unless they fall within certain exceptions. Paragraph 89 of the Framework gives two of these exceptions as:-
 - "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces" (bullet point 4); and
 - "... the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding

temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the **existing** (*my emphasis*) development.” (bullet point 6)

5. Following a fire, the building was demolished in the mid-1990s and although planning permission was granted in 1999 for a house on the site, the facts are that the site consists of foundations, hardstandings and the remains of a back yard fence. I must make my assessment based upon the current circumstances of the site and the reality is that there is no actual building to replace. Therefore, the proposal does not meet the exception contained in bullet point 4. Policy GB1 C of the Wigan Replacement Unitary Development Plan Remaining Policies, 2016 (UDP) also relates to existing dwellings, not dwellings that existed in the past. I note the arguments about abandonment but the case does not turn on whether or not the residential use of the land has been abandoned.
6. I accept that the site has been previously developed. However, a dwelling would have a much greater impact upon openness than the existing development, i.e., than the hard-standings, fence and foundations. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As the building would have a greater impact on the openness of the Green Belt than the existing development, it would not meet the exception under bullet point 6. It would also be contrary to Wigan Local Plan Core Strategy, 2013, Policy CP8 which says that development within the Green Belt will only be allowed in accordance with national planning policy.
7. The dwelling would therefore be inappropriate development which is, by definition, harmful to the Green Belt. Paragraph 88 of the Framework says that substantial weight should be given to any harm to the Green Belt.

Other Considerations

8. The appellant says that from 1993 to the current day, the owners of the site intended to replace the house which previously existed. She says that ill-health, deaths and legal matters have got in the way of doing so. However, the neighbours dispute the appellant's version of events and I cannot be sure of the facts. I note that the neighbour has a damp external wall.
9. UDP Policy GB1B allows for extensions to dwellings in the Green Belt which do not exceed the cubic content of the original property by more than 75%. Whilst the neighbour might apply to extend their dwelling onto the site, I can only treat this as a possibility as I have nothing to indicate that this is likely to happen.

The Green Belt Balance

10. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
11. Given the conflicting evidence surrounding the history of the site and its owners, I give little weight to the appellant's description of personal events. I give limited weight to the possibility that the neighbouring house might be

extended onto the land. It is not necessary to build an entire house to solve a damp problem and I give minimal weight to the condition of the neighbour's external wall. I note that the appellant says that the house would be in a sustainable location and I give this some weight.

13. In conclusion, all these other considerations do not clearly outweigh the totality of substantial harm that arises as a result of the development's inappropriateness and its impact upon the openness of the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist.

Conclusion

14. For the reasons set out above, I therefore conclude that the proposal is unacceptable and the appeal should fail.

Siobhan Watson

INSPECTOR