
Appeal Decision

Site visit made on 20 December 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 10 January 2017

Appeal Ref: APP/H4315/W/16/3158141

Land adjacent to 25 Mill Lane, Rainhill, St Helens, L35 6NH

- 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 Crowney, Duffy, Blenkinsop & Powell against the decision of St. Helens Metropolitan Borough Council.
 - The application Ref P/2016/0243/OUP, dated 23 March 2016, was refused by notice dated 24 May 2016.
 - The development proposed is 2 residential dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Crowney, Duffy, Blenkinsop & Powell against St. Helens Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. From the documents before me I have ascertained that both the appellant and the Council agree that the application was made in outline with permission sought for access and layout only.

Main Issues

4. The appeal site is within the Green Belt so the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - the effect upon the openness of the Green Belt;
 - the effect of the development upon the character and appearance of the area; and
 - if the proposal is found to 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 required to justify the development.
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Reasons

Whether or not the development would be inappropriate

5. The Framework establishes that new buildings within the Green Belt are inappropriate unless they fall within certain exceptions. Paragraph 89 of the Framework gives one of these exceptions, in the 5th bullet point, as "limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan". It does not require that limited infilling in villages must be "under policies set out in the Local Plan" because that requirement relates solely to "limited affordable housing for local community needs." The comma after 'villages' separates the two parts of the sentence.¹
6. The Council does not dispute the appellant's argument that Rainhill is a village. Therefore, the relevant question is whether or not the proposed development would constitute limited infilling. The terms "limited" and "infilling" are not defined by the Framework. However, in my opinion, "infilling" must occur when a gap between buildings is filled. Although the house at "Uplands" adjoins one side of the site, the extensive grounds of "Briars Hey" are to the other side and therefore the dwelling at Plot 2 would not have buildings to both sides. Therefore, as the development would not fill a gap between other built development it cannot be classed as "limited infilling".
7. Consequently, the proposed development would not fall within the exception in the fifth bullet point of paragraph 89, and should be regarded as inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
8. Policies GB1 and GB2 of the St Helen's Unitary Development Plan, 2007 have been quoted by the Council. However, the Framework was adopted in 2012 and the policies do not reflect bullet point 5 of Paragraph 89. This does not mean that I can disregard policies GB1 and GB2, with which the proposal conflicts, but in coming to the above conclusion, I have attached great weight to the Framework with which the proposal also conflicts.

Openness

9. The proposal would introduce built development where currently none exists. Therefore there would be some harm to the openness of the Green Belt. The proposal would therefore conflict with the Framework and UDP Policy GB2 which both seek to protect the openness of the Green Belt.

Character and Appearance

10. The surroundings of the site are of a suburban nature and subject to being of a good standard of design, the proposed dwellings would not look out of character. Therefore, given the site's context amongst other built development, I consider that the proposal would not have a particularly urbanising effect upon the area or harm its character and appearance. In this

¹ *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195

respect I find no conflict with Policy CP1 of St Helen's Local Plan Core Strategy, 2012 which seeks to maintain the overall character and appearance of the local environment.

Other Considerations

11. 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 are clearly outweighed by other considerations.
12. I have found no harm to the character and appearance of the area but a lack of harm is a neutral consideration in the balance. Two houses would be provided in a sustainable location and I give this factor some weight in favour of the proposal. I understand that the emerging St Helen's Local Plan proposes to remove the site from the Green Belt. However, whilst I acknowledge the appellants' comments in relation to a lack of available brownfield sites in the area, I can only give limited weight to this emerging plan as it is still at an early stage.

The Green Belt Balance

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