

Appeal Decision

Site visit made on 13 December 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 24 January 2017

Appeal Ref: APP/P2365/W/16/3157784

176 Station Road, Hesketh Bank, Preston, Lancashire PR4 6ST

- 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 Mrs V Hornby against the decision of West Lancashire Borough Council.
 - The application Ref 2016/0661/OUT, dated 10 June 2016, was refused by notice dated 27 July 2016.
 - The development proposed is outline application for one detached dwellinghouse (re-submission of application ref no: 2015/0138/OUT) all matters reserved – plans submitted for illustrative purposes only.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed elevations, floor and roof plan and access point as indicative.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - Whether the proposed development would provide a suitable site for housing with regard to local and national planning policy;
 - The effect of the proposal on the living conditions of residents of the proposed dwelling and residents of nearby properties, with particular regard to parking arrangements and privacy; and,
 - If the development is inappropriate, 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 the development.
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Reasons

Inappropriate Development

4. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling of villages.
5. The appeal site is within a small cluster of dwellings fronting the highway and bounded to the north and south by open countryside. Station Road represents a clear boundary between the built area of the village and the countryside extending to the east. Whilst the character of Station Road changes further to the north and south, in the vicinity of the appeal site this group of dwellings has the character of sporadic development within the countryside rather than being an integral part of the village of Hesketh Bank.
6. The appeal site is located to the rear of 176 and 178 Station Road on the northerly edge of the group of dwellings. Beyond the appeal site to the east is an anomalous large bungalow, 174A Station Road, set in an extensive landscaped area which projects into the open countryside. However, I note that No 174A is subject to an agricultural occupancy condition. The proposal would therefore have the character of backland development to the rear of the sporadic development fronting Station Road and extending towards No 174A rather than infilling within a village.
7. The appeal site is also located outside of the settlement boundary defined in the West Lancashire Local Plan 2013 (WLLP). In the vicinity of the appeal site the settlement boundary follows the line of Station Road which adds weight to my conclusions above in relation to the relationship of the site to the village. My attention has been drawn to case law¹ which the appellant states determined that the fact that a site lay outside of a village boundary as defined in a local plan was not determinative of whether a proposal represented limited infilling within a village. However, I have considered both the physical context of the appeal site as outlined previously and the policy context, and this has led me to conclude that the site is not located within the village.
8. For the reasons set out above, the proposal would not represent limited infilling in a village and would comprise of inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Local and National Policy

9. As stated previously, the appeal site is located outside of the settlement boundary for Hesketh Bank defined in the WLLP. Policy RS1(b) states that, in relation to development outside settlement boundaries and within the Green Belt, very limited affordable housing may be permitted in certain circumstances. However, the appeal proposal does not relate to affordable housing and therefore conflicts with Policy RS1(b). Although Policy RS1(c) refers to development on garden land, this also states that proposals should be considered against other relevant policies, which would include the inclusion of the site within the Green Belt.

¹ Wood v Secretary of State for Communities and Local Government and Gravesham Borough Council [2015] EWCA Civ 195

10. The appellant states that the proposal represents a limited infill development, and is therefore considered to comply with the provisions of the Framework which the WLLP cannot override. However, for the reasons stated previously I have concluded that the proposal does not represent infill within a village, notwithstanding that it would be relatively close to the defined settlement boundary. The proposal would therefore conflict with Policy RS1 of the WLLP which seeks to facilitate a sustainable pattern of residential development and which is consistent with the provisions of the Framework in relation to sustainable development.

Openness and Green Belt Purposes

11. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The construction of a dwelling on the site would result in built development where there is presently none. The proposal would not reflect the existing form of development in the area as I consider it would not constitute infilling within a village and would sit uncomfortably between the dwellings fronting Station Road and the extensive plot of No 174A to the rear.
12. On the basis that I consider the site is not within the village, the development would lead to the encroachment of development into the countryside and would have a moderate impact on the related Green Belt purpose.
13. I conclude that the proposal would not preserve the openness of the Green Belt and would impact on the purpose of safeguarding the countryside from encroachment.

Living Conditions

14. The Council's third and fourth reasons for refusal refer to concerns about insufficient car parking and loss of privacy to occupants of adjacent dwellings. However, I am mindful that the application is for outline planning permission with all matters reserved. Although I have had regard to the plans submitted with the appeal, I note that these are illustrative and I have treated them as such.
15. Whilst the Council have referred to the relatively restricted nature of the plot, I am not persuaded that it is inevitable that the development of a dwelling on the site would lead to problems of loss of privacy or parking provision. The form and layout of a dwelling on the site could be addressed by application/s for Reserved Matters which would be a suitable method of assessing compliance with Policy GN3 of the WLLP and the advice of the Design Guide Supplementary Planning Document 2008. These matters do not therefore represent sufficient reason for withholding planning permission.

Other Matters

16. The appellant has stated that an outbuilding or ancillary annexe of similar proportions to the proposal could be constructed under the property's permitted development rights. However, I have no substantive evidence that there is a significant probability that outbuildings etc. would be constructed should this appeal be dismissed. This limits the weight I can attach to this as a fallback position.

17. I have taken into account concerns raised locally in relation to amenity space, drainage, highway capacity and access over private land. However, consideration on these matters has not led me to a different conclusion on this appeal.

Other Considerations

18. The site is close to facilities within Hesketh Bank and a bus route providing access to facilities in the surrounding area. Hesketh Bank is identified as being a Key Sustainable Village by Policy SP1 of the WLLP. A dwelling on the site would therefore make a small contribution to the viability of local facilities and in this respect would be relatively sustainable for a rural location. The construction of a single dwelling would also make some contribution, albeit very limited, to the supply of housing in the area.
19. The appellant has also referred to the site being brownfield land. However, even if this is the case, I consider that that this would not weigh significantly in favour of the proposal as it would have a greater impact on the openness of the Green Belt and the purpose of including the land within it than the existing development.
20. The limited weight from the potential benefit of accessibility to services and housing supply is far outweighed by the substantial weight that must be given to the harm arising from inappropriate development; the moderate harm to the openness of the Green Belt and the harm resulting from conflict with the purposes of including land in the Green Belt. Very special circumstances to justify the proposal do not therefore exist.

Overall Balance and Conclusion

21. I note that the appellant states that the proposal is for limited infill within a village and that there is no requirement to demonstrate any special circumstances. However, for the reasons stated previously, I consider that the proposal is not within a village and is inappropriate development. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Notwithstanding my conclusion in relation to living conditions, I consider that the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it and that very special circumstances to justify the proposal do not exist. It would therefore conflict with the policies of the development plan as a whole and the Framework in relation to the protection of the Green Belt.
22. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal is dismissed.

David Cross

INSPECTOR