
Appeal Decision

Site visit made on 24 July 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 28 July 2017

Appeal Ref: APP/P2365/W/17/3173814

Forest View, Back Lane, Newburgh WN8 7UQ

- 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 Alan Wright against the decision of West Lancashire Borough Council.
 - The application Ref 2016/0998/COU, dated 21 September 2016, was refused by notice dated 9 November 2016.
 - The development proposed is the change of use from holiday accommodation to residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would result in a new isolated home in the countryside, having regard to the site's countryside location and accessibility to facilities and services.

Reasons

3. Forest View is in the Green Belt and outside of the settlement boundary of the village of Newburgh. The building subject of this appeal is actively used as self-catering holiday accommodation. There is no suggestion that the building would be left vacant as a result of this appeal being dismissed. Glasshouses are next to the appeal site along with an open area which appears to be used for horticulture. I gather these are leased out. Tall mature conifers are to the south, west and north of the building that is subject of this appeal.
4. Policies GN1 and RS1 of the West Lancashire Local Plan 2012-2027 Development Plan Document (Local Plan) aim to support the formation of sustainable communities in borough and direct development to sustainable locations. The Local Plan does not seem to have a detailed approach to development involving the conversion of existing buildings outside of settlement boundaries. While the appellant suggests Local Plan Policy RS1 should be given little or no weight in the determination of this appeal, Local Plan Policy GN1 b) explains that "*Development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.*"
5. Local Plan Policies GN1 and RS1 are also consistent with paragraphs 55 and 90 of the Framework as they seek to promote sustainable development and locate housing where it will enhance and maintain the vitality of rural communities.

6. While the reason for refusal does not raise issue with the proposal in terms of its effect on the Green Belt, I have had regard to the parties' comments. Paragraph 90 of the Framework explains that "*certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt: the re-use of buildings provided that the buildings are of permanent and substantial construction.*" Policy GB2 of the Council's Supplementary Planning Document Development in the Green Belt (SPD) is consistent in this regard.
7. The Council accept the building is of a permanent and substantial construction, despite the site's complex planning history. While the plot size does offer potential for domestic paraphernalia to lead to a loss of openness and encroachment into the countryside, the site is relatively well contained and there are already tables and chairs at the rear of the building. There would also be no changes to the terrace, the grassed areas, the access or the parking arrangements. Harm would not therefore arise to the openness¹ of the Green Belt nor would the proposal result in encroachment into the countryside. Having regard to the Lee Valley judgement², the proposed development, in terms of the Green Belt, would accord with Local Plan Policy GN1, the SPD and paragraph 90 of the Framework. These support the re-use of buildings provided that the buildings are of permanent and substantial construction. I am also wary of the support Local Plan Policy EC2 offers to the re-use of buildings where they would otherwise be left vacant, but the evidence before me is inconclusive either way.
8. Paragraph 55 of the Framework advises that decision-makers *should avoid new isolated homes in the countryside unless there are special circumstances*. The parties' have referred to appeal decisions³ concerning the application of the term 'isolated'. This term is not defined in the Framework and as such, I consider that its ordinary meaning should be applied in arriving at a view as to whether the proposed development would result in a new isolated home in the countryside. I will therefore rely on the everyday definition of isolated which means *far away from other places, buildings, or people; remote*.
9. Forest View lies between 520 and 690 metres away from the settlement boundary of Newburgh. Even so, there are a number of residential properties which either adjoin the appeal site or are within close proximity of the site on Back Lane to the east, west and south. So, the appeal site is not physically or visually isolated, despite its position outside of the settlement boundary.
10. Newburgh is centred around Course Lane (A5209). The lane is a busy highway that connects Burscough and the A59 to Parbold and the M6 motorway. Future occupants of the dwelling would reach the village using either Back Lane or Course Lane. Both are lit and the village is roughly a mile away. Back Lane does not benefit from a pedestrian footway between Culvert Lane and the appeal site. This is not uncommon on the network of country lanes to the north of the A5209 which are not very busy with vehicular traffic. Hence, pedestrians, cyclists and vehicles co-exist on the highways, especially during daylight hours. Similarly the section of Back Lane between the site and Course Lane to the south of the site does not benefit from a pedestrian footway. Still,

¹ Council Statement of Case, Appendix XVI

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

³ Appeal Decision Refs: APP/P0119/A/10/2130078 and APP/P3040/A/13/2191142

there is a pedestrian footway, of varying widths that extends from its junction with Course Lane all the way into Parbold. The Leeds and Liverpool Canal also provides an opportunity to walk or cycle to Burscough and Parbold, especially during daylight hours.

11. While local residents' submit that there are limited facilities and services available in Newburgh, the village has a post office, tea room, church, primary school and a public house. I also gather planning permission has recently been granted for a farm shop at the Strawberry Farm site. There is also a variety of facilities and services in the surrounding area⁴, stretching into the Town Centre of Burscough and the Large Village Centre of Parbold, which are some 2 miles and 1.5 miles away. Both centres contain shops, supermarkets, public houses and schools along with a doctor's surgery and railway stations (Burscough Junction, Burscough Bridge and Parbold). The latter two are stops on the Southport, Wigan and Manchester railway line while Burscough Junction offers a link to Preston, Ormskirk and Liverpool. Also, between the two centres is a petrol filling station and from my observations, there are two further public houses at the Ring O'Bells and The Wayfarer, Hoscarr railway station and Taylor's Farm Shop. Each is closer to the site than Burscough and Parbold.
12. The 3A is the only public bus service that future occupants could use. The nearest bus stops in either direction are roughly between 700 and 800 metres from the site. While, I gather this service may be under threat, I must make my decision based on the current information. The 3A service connects Newburgh with Burscough Bridge, Parbold and Skelmersdale. It does, despite concerns about its reliability, offer connections to a variety of facilities and services at a frequency of one bus per hour in each direction from early morning to early evening. This is not very frequent and I am unclear whether the service integrates with rail services for journeys further afield, as I do not have any rail timetables before me.
13. While school children would seem to have excellent bus links to schools, they, like occupants wishing to use the 3A, would need to share, for part of the journey at least, the roads with vehicles. Though this is likely to be attractive in daylight hours and during periods of dry weather, the same could not be said during hours of darkness or inclement weather, despite street lighting. The routes would not also appeal to every potential occupant. By the same token, this would apply to the use of the canal which is not lit and the tow path is uneven near to the site.
14. Regardless of the ability or willingness of future occupants' to walk, cycle or use public transport services, private vehicles would still be used to access facilities and services on a day-to-day basis. This is borne from the site's location, its proximity to facilities and services and convenience. The use of private vehicles would, in my view, be increased during the hours of darkness, in the winter and or periods of bad weather. These would all together, in my view, mean future occupants would not be routinely encouraged to travel on foot or by bicycle to the bus, to Burscough or Parbold or the facilities and services in Newburgh or between the larger centres.
15. I recognise occupants of nearby dwellings would experience the same issues and similarly rely on the private car. However, the presence of these dwellings does not justify the appeal scheme. Moreover, the proposed use would be

⁴ Council Statement of Case, Appendix XVII

- occupied permanently unlike for short periods of time as a holiday let and it would not provide affordable housing as sought by Local Plan Policy RS1 b).
16. I note the Council deemed the Hughes Mushroom Farm not to be isolated. However, the Mushroom Farm⁵ is far closer to Newburgh, its facilities and services, the bus service and the pedestrian footway into the village and Parbold. So, despite its proximity, the two sites are not directly comparable for decision-making purposes.
17. Still, there would be social and economic benefits to local businesses in Newburgh; a view which is consistent with my colleague Inspector's findings in the Rosetree Cottage⁶ decision and the 2013 appeal decision relating to the site⁷. Even so, I consider that the site is, based on the evidence before me, on the whole, remote, despite the appellant's attempts to find a solution. This is because I am not satisfied that the site is not far away from places with day-to-day facilities and services. Hence, it would not be part of a community with accessible local services nor would it help move to a low-carbon economy. These are negative effects, which mean that the scheme would result in a new isolated home in the countryside, notwithstanding the re-use of the building and the provision of a new family home. No special circumstances have been advanced, such as those listed in paragraph 55 of the Framework.
18. Although the proposal would comply with, in terms of the Green Belt, Local Plan Policy GN1, the SPD and paragraph 90 of the Framework, I conclude that this is outweighed by the appeal scheme's effect of creating a new isolated home in the countryside, having regard to the site's location and accessibility to facilities and services. In this regard, the proposal would conflict with Local Plan Policies GN1 b), GN3, RS1 b), IF2 along with paragraph 55 of the Framework; which jointly together seek, among other things, to direct development to sustainable locations where the environment is accessible to all sections of the community and encourages the use of public transport, so to avoid new isolated homes in the countryside.
19. Although the appellant refers to Local Plan Policy IF1, I do not consider that it is relevant to the appeal scheme as it seeks to maintain vibrant town and local centres in the borough. The appeal site is not in one of either.

Conclusion

20. Despite the proposal's economic, social and environmental benefits, on the whole, I do not consider that the social and environmental roles of sustainable development as set out in paragraph 7 of the Framework would be fulfilled.
21. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

⁵ Council Application Ref: 2016/0497/OUT

⁶ Appeal Decision Ref: APP/P2935/A/14/2228905

⁷ Appeal Decision Ref: APP/P2365/A/13/2201744