



Appeal Decision

Site visit made on 14 November 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 30 November 2017

Appeal Ref: APP/P2365/W/17/3181974

The Cottage, Narrow Moss Lane, Ormskirk, West Lancs L40 8HY

- 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 & Mrs Holder against the decision of West Lancashire Borough Council.
 - The application Ref 2017/0128/FUL, dated 14 February 2017, was refused by notice dated 27 April 2017.
 - The development proposed is *'erection of a building for a cattery containing 10 units with gravel path and conversion of garage into reception and storage'*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development provided by the application form has been updated in subsequent documents. In response to the second reason for refusal on the Council's decision notice relating to the formation of additional areas of hardstanding, the appellant has sought to exclude the addition of three car parking spaces from the proposal within a revised site layout plan (drg.no. 9048.001 A10 Rev C) submitted as part of the appeal. The Council have had the opportunity to comment upon the amended proposal and I consider that no parties would be prejudiced by taking the revised plan into account. The revised description provided by the appellant is precise and accurate with respect to the proposal before me and I adopt it accordingly.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, including the effect on the openness of the Green Belt and the purposes of including land within it;
 - The effect upon the character and appearance of the area, and;
 - If the proposal 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.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. The appeal site consists of a two storey semi-detached property known as The Cottage, together with associated land which includes a detached garage, a detached outbuilding, a granny annex, a private access with hardstanding used for parking and a private garden of considerable length enclosed by hedging and a short section of post and rail fencing. At the time of my visit, a chicken pen and runs of modest height occupied part of the private garden at its furthest extent to the south east. The dwelling adjoins the neighbouring Whitfield, the side elevation of which borders the perpendicular alignment of Narrow Moss Lane from which there is also a shared access to both properties. The enclosed garden of The Cottage is next to the rear garden of Whitfield, but beyond also adjoins a separate parcel of land that contains a paddock with stables. The site lies within the Green Belt, with agricultural land immediately to the east beyond boundary hedging.
5. Policy GN1 of the West Lancashire Local Plan 2012 - 2027 (LP), adopted October 2013, states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. In that regard, the National Planning Policy Framework (the Framework) indicates that the construction of new buildings should be regarded as inappropriate development in Green Belt unless they fall within an exception set out in paragraph 89.
6. The only listed exception under paragraph 89 of the Framework that could be considered relevant to the proposed cattery building within the existing private garden of The Cottage is bullet point 6. The exception relates to *'limited infilling or the partial or complete redevelopment of previously developed land (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 development'*.
7. As the site lies outside of a built up area, the garden of The Cottage would meet the definition of previously developed land set out in Annex 2 of the Framework. Nevertheless, by introducing a cattery building of significant size and proportions into the curtilage of the host dwelling, in a location where no building is currently present, the development would have a greater impact upon the openness of the Green Belt. Consequently, it would not meet the relevant exception in paragraph 89 of the Framework.
8. I have taken into account that the hedging that runs alongside Narrow Moss Lane, together with the presence of curtilage trees and the position and scale of the semi-detached properties, stables and outbuildings on adjacent land closer to the road would provide some screening of the building from the nearest public vantage points. However, based upon my observations, there would be brief glimpses of the roof of the cattery building above the hedge line through gaps between curtilage trees when approaching along Narrow Moss Lane from the south and it would be visible at distance from an eastern perspective, albeit against the backdrop of existing buildings. In any case, openness is an essential characteristic of the Green Belt, whereby the adverse impact arising from the proposal in terms of the material increase in the

amount of built development on the site reflects spatial harm, irrespective of whether the effect on openness would be experienced visually or not.

9. In addition to the above, as the site lies in open countryside rather than comprising part of a village, the introduction of the cattery building would lead to encroachment of development into the countryside in conflict with one of the purposes of the Green Belt set out in paragraph 80 of the Framework.
10. The associated addition of a gravel path leading to the cattery building and surrounding it would preserve the openness of the land and, therefore, would meet the criteria of certain other forms of development that are not inappropriate in the Green Belt, such as engineering operations listed in paragraph 90 of the Framework. Furthermore, it is common ground between the main parties that the conversion of the existing garage for use as a reception ancillary to the cattery business would fall within the exception under paragraph 90 which permits the re-use of buildings provided that the building is of a permanent and substantial construction. Based upon the evidence before me, I have no reason to take a different view. However, the absence of concern in those respects is a neutral factor given my previous findings.
11. Following the submission of the revised plan, the existing access and hardstanding parking area within the site would remain unaltered. The annotations on the revised plan indicate that the hardstanding parking area and access would be used for cattery parking. However, it is evident that the existing hardstanding parking area and access are currently in use by The Cottage and its granny annex and would remain capable of being used for residential parking given the close relationship with those buildings. In that context, based upon the evidence before me, I cannot be certain that a material change of use of the existing hardstanding parking area would occur. Consequently, such matters are not an influential factor upon my conclusion.
12. I conclude that for the purposes of Policy GN1 of the LP and the Framework, the proposal would be inappropriate development in the Green Belt with associated harm upon the openness of the Green Belt and in terms of the Green Belt purpose of safeguarding the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance

13. The cattery building would be located close to the neighbouring stable buildings and would have a design, single storey scale and proportions which would not look out of place amongst the diverse scattering of buildings in the immediate surroundings. As previously mentioned, the extent of boundary hedging alongside Narrow Moss Lane, the position and scale of buildings closer to the road and the presence of intervening curtilage trees, would limit the prominence of the building and its gravel path from nearby public vantage points with only the roof of the building likely to be glimpsed when approaching from the south. Whilst the upper part of the building would be viewed at distance from the east above boundary hedging, it would be set against the backdrop of existing buildings of comparable or greater scale and a mixed palette of materials. Consequently, in its particular context, the visual impact of the cattery building and its associated pathway would be limited.

14. In addition, the use of the existing access and hardstanding parking area as part of the development and the conversion of the garage, without any significant alteration or extension, would have no significant effect upon the character and appearance of the existing site and its surroundings. Consequently, notwithstanding my conclusions with respect to Green Belt considerations, the proposal would not have a detrimental effect upon the local distinctiveness and character of the area.
15. I conclude that the development would not have an adverse effect upon the character and appearance of the area. The proposal would not, therefore, conflict with Policy GN3 of the LP in so far as it seeks, amongst other things, that proposals for development should be of high quality design having regard to the West Lancashire Design Guide SPD and complement or enhance local distinctiveness within its surroundings.

Other considerations

16. The Framework seeks to secure economic growth and support a prosperous rural economy. The cattery business would have economic benefits in terms of the introduction of commercial activity within the site which would have the potential to provide employment and jobs albeit at a limited scale. The building works required would also be likely to provide some local employment.
17. There would also be social benefits arising from the provision of an additional cattery facility for use by the local community. The appellant has sought to emphasise the need and demand for additional cattery facilities in Ormskirk and the requirement for an associated dwelling to provide supervision at all times. In that respect, it is indicated that the site was selected, after a search and discounting of alternative sites over a period of 2 years, including locations not designated as Green Belt. However, the evidence provided by the Council indicates that there are a number of existing catteries and mixed catteries and kennels within the West Lancashire area that are close enough to serve the Ormskirk area, which reduces the weight I can give to the social benefits.
18. The site is in close proximity to a bus service and given that there are footpath links into Ormskirk it would be more accessible than some existing cattery and mixed cattery and kennels in other locations. Nevertheless, to my mind, the majority of customers would rely upon use of a car to transport their pets to and from the site, as it would be more convenient that buses and the walking distances for most residents of Ormskirk and the surrounding area would be considerable. Whilst there may be some reductions in journey time compared to existing facilities, I can give only limited weight to any environmental benefits in that respect as the catchment area for the business would not be subject to any restriction.
19. The appellant has indicated that a building of a similar or larger size and scale and gravel pathway could be built under permitted development rights in the GPDO¹. However, there is no substantive evidence to indicate that there would be a significant probability that such a building, to be used for a purpose incidental to the enjoyment of the dwellinghouse, would be constructed or hardstanding laid out within the garden should this appeal be dismissed. This limits the weight that I can attach to permitted development rights of that nature as a fallback position.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

20. It is common ground between the main parties that the development, subject to controls on hours of operation, would have no adverse impact upon the living conditions of occupiers of neighbouring properties or highway safety. Based upon the evidence before me and my observations of the site and its surroundings, I have no reason to take a different view. Cats accommodated within the building would cause little to no noise disturbance, whilst the shared access is existing and traffic movements could be controlled by conditions requiring visits by appointment only.

Planning Balance

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be harm to the openness of the Green Belt and the Green Belt purpose of safeguarding the countryside from encroachment. 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.
22. I give moderate weight to the social and economic benefits of the proposal, including the contribution to local employment and the provision of a cattery facility for use by the local community, based upon the scale of the facility proposed and taking into account the presence of alternative cattery facilities which serve Ormskirk. I give limited weight to accessibility benefits arising from the proximity to a bus stop and footpath links into Ormskirk, as the use would still rely upon the majority of customers accessing the site by car. Whilst journey times for some customers may be reduced, the environmental benefits in that respect are limited. I give little weight to the fallback position of alternative forms of development that may benefit from permitted development rights for the reasons previously stated. The absence of harm in terms of the character and appearance of the area, the living conditions of occupiers of neighbouring properties and with respect to highway safety are neutral factors which do not weigh in favour of the development.
23. Having taken all of the above into account, I find that the other considerations in this case do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt arising from the proposed development. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal conflicts with the LP and the Framework when taken as a whole.

Conclusion

24. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR