
Appeal Decision

Site visit made on 3 January 2018

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2018

Appeal Ref: APP/F2360/W/17/3181042

Prospect Hill Training Centre, Old Brown Lane, Walton-le-Dale PR5 6ZA

- 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 and Mrs Steve Ormisher against the decision of South Ribble Borough Council.
 - The application Ref 07/2016/1309/FUL, dated 9 December 2016, was refused by notice dated 29 March 2017.
 - The development proposed is the change of use of the site from training centre (Use Class D1) to a drain cleaning/repairs contractor's yard (Sui Generis) and installation of 5m high poles to accommodate security lighting and CCTV cameras. Proposed erection of two-storey office and storage building following demolition of existing single-storey timber building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that led to this appeal was retrospective insofar as it related to the use of the site and the installation of the security lights and CCTV cameras. I note also the Council's references to the boundary treatment present at the site as not benefitting from planning permission, and forming part of the development for which permission is sought. I saw at my site visit that the use was ongoing, and that the fencing and poles are present. I have considered the appeal on this basis.
3. In the banner heading above I have used an amended version of the description of development given in the Decision Notice, rather than the one included in the application form¹, as this more accurately captures the scope of the appeal development, including as it does, the change of use of the site. I note also that the form of words used in the Decision Notice is used on the appeal form. I have, however, omitted the word 'retrospective' in the banner heading above as this does not comprise development for the purposes of the Town and Country Planning Act 1990 (as amended).
4. The Council's Decision Notice included reasons for refusal related to the noise and lighting aspects of the appeal development and their effects on the amenity of the occupants of adjacent dwellings. However, the Council

¹ Which is "Demolition of existing Training School building and erection of a portal framed Offices and Depot including 5m high poles with security lights and CCTV cameras"

withdrew these reasons for refusal at appeal stage following the appellants' production of additional evidence relating to these matters. Consequently, these matters have not formed main issues in my consideration of the appeal.

Main Issues

5. The appeal site is within the Green Belt. Consequently, I consider the main issues in this case to be firstly, whether the appeal scheme would constitute inappropriate development in the Green Belt for the purposes of national and local policy; secondly, the effects of the appeal scheme on the character and appearance of its surroundings; and thirdly, if the appeal scheme is inappropriate whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Reasons

Site, surroundings and appeal scheme

6. Set at the rear of a small but dispersed group of residential and other buildings adjacent to and elevated above the motorway, the appeal site comprises a single-storey broadly L-shaped timber-boarded building, related hardstanding and landscaping, and is fringed by mature trees, several of which are subject to a tree preservation order. To the rear of the appeal site, and across Kittlingborne Brow, and Old Brown Lane to its sides there are open fields.
7. The appeal scheme includes the change of use and the installation of the fencing and poles as described above. The existing single-storey building would be demolished to make way for a two-storey portal-framed rectangular building incorporating storage and offices.

Whether Inappropriate Development

8. The National Planning Policy Framework (the Framework) establishes that the Government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence. The Green Belt serves five purposes including assistance in safeguarding the countryside from encroachment.
9. For the purposes of the Framework, with certain exceptions, the construction of new buildings within Green Belts is inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. Paragraph 89 of the Framework sets out exceptions to this general principle including, at bullet 6, the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. Policy G1 of the South Ribble Local Plan (adopted July 2015) (the Local Plan) sets out the local approach to Green Belts, and incorporates these aspects of the Framework.
10. The appeal site clearly constitutes previously developed land for the purposes of the Framework. Consequently, I have considered the effects of the appeal scheme on the openness and purposes of the Green Belt, and have had regard to the case law² referred to by the appellants in my assessment. In Green Belt

² *John Turner v SSCLG and East Dorset Council* [2016] EWCA Civ 466; *Timmins & Anor v Gedling Borough Council* [2014] EWHC 654 (Admin)

terms the concept of 'openness' equates to land remaining, on the whole, free from development and consequently has both spatial and visual dimensions.

11. The appeal scheme would replace the single-storey structure at the site with a two-storey building, which would have a more limited footprint. I note the differences between the volumetric calculations of the existing and proposed buildings that have been supplied by the parties and I have taken into account the Counsel's opinion relating to this aspect of the appeal scheme and referenced in the appellants' statement. I readily accept that the difference in the overall volume of the existing and proposed buildings would be limited; however, due to the scale and prominence of the proposed building it would form a considerably more visible element of the appeal site and would thus diminish its openness in visual terms.
12. I note the extant planning permission³ pertaining to the appeal site for the erection of one dwelling. However, this permission is in outline, with the scale, layout, landscaping and design reserved for detailed consideration at subsequent planning stages. Moreover, I note that a condition attached to this outline permission seeks to restrict the scale of any dwelling to 1.5 storeys. I am cognisant of the material⁴ submitted by the appellants regarding the typical heights of 1.5 storey dwellings, I have also taken into account that the illustrative plans submitted in support of the extant permission do not establish a definitive scale for the proposal, and have had regard to the judgement⁵ referred to me relating to planning conditions in connection with this matter. Nevertheless, the lack of more definite details regarding the matters reserved for detailed consideration on the extant permission limits a meaningful comparative assessment of its potential effects on the openness of its surroundings. Consequently, for these reasons, the extant permission pertaining to the site does not create a precedent for the proposed building, or serve to justify the harmful effects it would cause to the openness of the appeal site and its surroundings.
13. The current use of the appeal site has led to the parking of operational vehicles there overnight and at weekends as displayed on the CCTV footage stills submitted in the appellants' General Comments Regarding External Use document. Moreover, I note the intentions expressed in the appellants' Company Information document⁶ that the appeal scheme would enable the relocation of the operation which currently uses three separate sites. As one of the other sites mentioned in the Company Information document is used for the parking of the operation's 26 tonne tankers, I consider that it is reasonable to conclude that these much larger vehicles would also be parked at the appeal site as part of its continuing use.
14. At my visit, I saw materials stored around the appeal site including pipes, temporary traffic signage and hoardings and building materials. Whilst I note intentions to store some of these within the proposed building, I am also mindful of material submitted in the Company Information document regarding the need for external storage including for trailers, a mini-excavator, stones and gravel stock, and a skip.

³ Council reference 07/2015/1178/OUT

⁴ Letter from J R Margerison of LMP Architectural Consultants dated 28 July 2017

⁵ *Trump International Golf Club Scotland Ltd. & Another v The Scottish Ministers* [2015] UKSC 74

⁶ Dated 27 July 2017

15. The established use of the site is a training centre, and whilst I note the appellants' assertion that other D1 uses, or permitted changes of use could result in similar patterns of parking to the appeal scheme no specific examples have been drawn to my attention. Whilst I am mindful that no parking restrictions exist in relation to the D1 use of the site, vehicles parked in association with this established use would likely be smaller, and be on the site for a more limited duration than those associated with the appeal scheme. Consequently, these considerations lead me to the view that the continued requirement for external storage associated with the use of the site, taken together with the material increase in parking would, taken together, materially reduce the openness of the site when compared to the site's established use.
16. In arriving at this view, I am mindful that the appellants have removed crash barriers and lighting columns from the appeal site, and that the amount of hardstanding would not increase as a result of the appeal scheme; however, these matters do not mitigate the appeal scheme's overall impacts to the openness of the Green Belt to any material degree. I note references to, and photos of, materials stored on an adjacent site including vehicles and related metal paraphernalia- however, the lawful use of this other site has not been drawn to my attention. Moreover, the use of that other site does not establish a precedent for the harmful effects I have described.
17. Furthermore, taken together, the changes both ongoing and proposed for the appeal site would lead to a considerable urbanising effect that would impinge on the Green Belt's purpose of assisting in protecting the countryside from encroachment.
18. Consequently, I find that, taken together, the proposed building combined with the ongoing use of the appeal site would conflict with the purposes of including land within the Green Belt and would harm the openness of the site and its surroundings. Therefore I conclude that it would constitute inappropriate development for the purposes of the Framework and Policy G1 of the Local Plan.

Character and Appearance

19. Whilst the appeal building would be inter-visible with other two-storey structures including the Nook adjacent to the junction with Old Brown Lane and Kittlingborne Brow, I saw that these other tall structures are of a domestic appearance. Whilst buildings of a more functional character are present in the surroundings, and on the appeal site itself, these are of a more limited scale.
20. The proposed development would be of a functional appearance and of a scale and prominence which would impart a more assertive character to it than the existing structure at the appeal site, which due to its limited scale blends more readily with its immediate surroundings. Despite the presence of mature vegetation around the site, the proposed building would nevertheless be visible from gaps in vegetation and development on Kittlingborne Brow and Old Brown Lane where its overly assertive scale and incongruous character would be readily apparent and would cause harm to the rural character of its surroundings.
21. For these reasons, I conclude that the appeal development would harm the character and appearance of its surroundings, and as a result would conflict with Policy 17 of the Central Lancashire Core Strategy (adopted July 2012) and

Policy G17 of the Local Plan. Taken together, and amongst other things, these policies seek to ensure that new development takes account of the character and appearance of the local area and avoids detrimental impacts to them.

Other Considerations

22. The appellants assert that the appeal scheme as a whole would be an economic gain which would help to safeguard and create new jobs. I note references also to training offered in connection with the business and the number of people employed within it. Economic development and growth is an objective of local and national planning policy. These are matters that attract moderate weight in favour of the appeal scheme.
23. I note that the appellants consider the screening offered by the existing protected trees around the perimeter of the site and the context created by two-storey buildings in the environs of the appeal property to be factors which mitigate the appeal scheme's impacts to the openness of the Green Belt and the character and appearance of the area. Nevertheless, for the reasons set out above, the proposed development would still cause harmful effects in these terms, so the presence of these features in the appeal site's environs does not weigh in favour of the appeal scheme to any material degree.
24. The appellants submitted material regarding the noise and lighting impacts of the appeal development. In this regard, I also note the Council comments that the attachment of appropriately worded conditions could mitigate any potentially harmful effects to the amenity of the occupants of adjacent residential properties. No harmful highways or transport impacts have been established in relation to the appeal scheme. However, these considerations merely point to an absence of harm in these regards rather than positive benefits of the scheme and would therefore have only a neutral effect on the overall planning balance.
25. My attention was drawn to paragraph 90 of the Framework which establishes that the re-use of existing buildings may not be inappropriate development in Green Belt terms provided they preserve openness and do not conflict with its purposes. However, I have found that the appeal scheme would be harmful to openness, and conflict with the purposes of including land within the Green Belt. Moreover, the appeal scheme does not include proposals to re-use the existing building. Consequently, this aspect of the Framework does not weigh in favour of the appeal scheme.

Green Belt Balance

26. The Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any Green Belt harm in the consideration of any planning proposal and "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". This is a very high hurdle for a development proposal to overcome.
27. In the current case, for the reasons set out above, the other considerations advanced in favour of the appeal scheme do not clearly outweigh the substantial weight I give to the Green Belt harms arising due to the appeal

scheme's inappropriateness and its adverse effects to the character and appearance of its surroundings.

28. For these reasons, the appeal scheme would run contrary to the clear expectations of the Framework and Policy G1 of the Local Plan, which taken together, and amongst other things, seek to restrict inappropriate development in the Green Belt and maintain its openness and permanence.

Conclusion

29. Taken as a whole the appeal scheme would conflict with the development plan insofar as the above-referenced policies are concerned. No material considerations of a sufficient weight have been advanced that would justify making a decision otherwise than in accordance with the development plan.
30. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR