



Appeal Decision

Site visit made on 9 July 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/P2365/W/19/3226974

Land adjacent to 25 Meolsgate Avenue, Tarleton, Lancashire

- 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 Mr Daniel Barron against the decision of West Lancashire Borough Council.
 - The application Ref 2018/1279/OUT, dated 3 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is a two storey detached house and detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. My site visit was scheduled as an access required site visit, although I was not able to proceed on that basis. However, I was able to consider the main issues based on seeing the site and its surrounding context from public areas and hence my visit was carried out unaccompanied.
3. For clarity, I have taken the site address from the Council's decision notice as this is a more accurate reflection of the site's location.
4. I have made a minor revision to the appellant's original description of development by omitting the words 'Outline application' as this does not constitute an act of development.
5. The planning application was submitted in outline with all matters reserved except for access and layout. I have had regard to the proposed site plans and street scene drawings but have regarded all elements of these drawings as indicative apart from the details of the access and the positioning of the development within the plot.
6. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019 and this post-dates the Council's refusal notice. I have had regard to the revised Framework in my decision and I am satisfied that this has not prejudiced either party.
7. Reference has been made to draft policies contained within the emerging West Lancashire Borough Council Local Plan Review: Preferred Options. However, this policy document is at a very early stage of preparation in the local plan process. Consequently, the weight I can attach to the emerging plan policies is

very limited. The statutory development plan for the purposes of determining this appeal remains to be the West Lancashire Local Plan 2012-2027 Development Plan Document 2013 (the WLLP).

Main Issues

8. The main issues are (1) whether the proposed development would provide a suitable location for housing having regard to the development strategy for the area; and, (2) the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of the location

9. The appeal site is located beyond the settlement boundary of the village of Tarleton. The site comprises a band of undeveloped rough grassland bound by housing to its immediate west, open countryside to the north and a detached bungalow (25 Meolsgate Avenue) to the east which is surrounded by paddocks and open countryside beyond. To the south, past a gravel track and mature hedge line, is further open countryside and a large detached house known as Riverview.
10. The Proposals Map in the WLLP identifies the site as falling within an area of 'Protected Land' where Policies GN1 and RS1 of the WLLP apply. Broadly speaking, these policies seek to direct development, including new housing, to sites within defined settlement boundaries and restrict development outside of these areas in the interest of maintaining the Green Belt and in order to retain or enhance the rural character of areas outside of the Green Belt. The site is not within the Green Belt, however, the policy approach with regard to the protection of the countryside is consistent with the aims of the Framework which recognises the intrinsic character and beauty of the countryside.
11. The appellant is of the view that the appeal site forms an 'infill' plot on the edge of the village of Tarleton, however, the site is a field located beyond the dense urban form of the village. Development here is more sporadic and scattered, reflecting the site's rural location. Consequently, the spatial characteristics of the site coupled with its policy designation lead me to the view that the site is outside of the settlement and is therefore within open countryside.
12. WLLP Policy GN1(b) (Development outside settlement boundaries) is clear that development on Protected Land will only be permitted where it retains or enhances the rural character of the area, for example small scale, low intensity tourism and leisure uses, and forestry and horticulture related uses. The only exception to this being small scale schemes for 100% affordable housing. I acknowledge that the list of exceptions is not a closed list; however, I do not consider that small scale, infill open market residential development is the type of development permissible on Protected Land as envisaged by Policy GN1. Furthermore, Policy GN1(b) should not be read in isolation. Policy RS1(b) (Residential Development) of the WLLP only allows for small scale 100% affordable housing on Protected Land outside settlement boundaries. Therefore, when read as a whole, it is clear that the WLLP does not support open market housing on Protected Land outside settlement boundaries.

13. The proposal is for a single open market dwelling and as such would not meet any of the policy exceptions set out in Policies GN1(b) or RS1(b). As such, I find that the proposal is in conflict with the development strategy of the WLLP.
14. I therefore find that the proposed development would not provide a suitable location for housing having regard to the development strategy for the area. Therefore, it would not accord with Policies GN1 and RS1 of the WLLP. Amongst other things, these policies seek to protect the character and appearance of the countryside and ensure that development is generally located within defined settlement boundaries.

Character and appearance

15. The site is located at a point of transition between the dense urban form of development along Meolsgate Avenue, to the west, and a more scattered and looser pattern of development to the north, south and east. The site provides a physical break in built development along the eastern boundary of the settlement and, as such, its undeveloped rural characteristics make a significant contribution to the pleasant rural landscape setting of the village of Tarleton.
16. The introduction of built form into this rural landscape setting would result in a degree of urbanisation and encroachment into the countryside that would harmfully erode its rural character. The construction of a dwelling at this location, regardless of scale, appearance and landscaping would be highly visible from the edge of the settlement and diminish the undeveloped qualities of the site. As a consequence, the proposal would neither retain nor enhance the rural character and appearance of the area.
17. The appellant makes much of their claim that the proposal amounts to limited infilling, suggesting that if limited infilling is permissible within villages within the Green Belt then this should also be the case for the appeal site. However, I have found the site to be outside of the village and can see no policy provision for 'limited infilling' of development within Protected Land such as the appeal site. I appreciate that the proposal would introduce a dwelling on land which is between the edge of the settlement and a detached bungalow in the countryside, but for the reasoning set out above, I have found this would be harmful to the character and appearance of the area.
18. To conclude on this main issue, I have found the proposed development to be harmful to the character and appearance of the area. This is contrary to Policy GN3 of the WLLP which, amongst other things, seeks to protect local character and distinctiveness through sensitive design and the appropriate siting of development. It would also conflict with the aims of Sections 12 and 15 of the Framework in terms of being sympathetic to local character and recognising the intrinsic character and beauty of the countryside.

Other Matters

19. Whilst both parties are agreed that the site is not within the defined limits of the Green Belt, the appellant seeks to advance the policy exception for limited infilling in villages within the Green Belt and apply it to the appeal site to justify the proposal. Indeed, the appellant has drawn my attention to a Judgement¹ relating to a case within a Green Belt area and I have also been provided with

¹ Wood v Secretary of State for Communities and Local Government [2015] EWCA Civ 195 (09 February 2015)

an appeal decision² for a site within this Borough that relied upon that judgement.

20. However, the site is not within the Green Belt and the purposes of such designation, set out in paragraph 134 of the Framework, differs to that of the designation of 'Protected Land' within the WLLP, the latter being concerned with retaining or enhancing rural character. It would therefore be quite inappropriate to apply the provisions or restrictions of Green Belt policy to the appeal site. Instead, I have considered the appeal on its own merits in accordance with the provisions of the development plan and having had regard to the spatial characteristics of the site.
21. I note the appellant's assertions that the site is located in close proximity to a number of services and facilities, the proposal would contribute towards the supply of housing, and would promote a small housing site for development. However, these considerations do not outweigh the harm I have found to the character and appearance of the area or the conflict with the development strategy of the WLLP.
22. It is also suggested that anti-social activities are taking place on the site and that the development would address these problems, although I do not consider this to be a justification for allowing the appeal.

Conclusion

23. For the reasons I have set out, and having considered all other matters raised, the appeal is dismissed.

Jeff Tweddle

INSPECTOR

² APP/P2365/W/18/3216055