



Appeal Decision

Site visit made on 5 November 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/P2365/D/19/3233166

Glenroy, Sanderson Lane, Heskin PR7 5PX

- 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 Mrs R Rowlands against the decision of West Lancashire Borough Council.
 - The application Ref 2019/0477/FUL, dated 13 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is described as 'entrance gates to existing entrance to dwelling'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal in relation to the Green Belt as follows:
 - Whether or not the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development in the Green Belt

3. The proposal is to erect a pair of entrance gates, brick pillars and side fence panels to Glenroy, a recently-built detached replacement dwelling in the Green Belt. The gates would be set 5m back from the highway, around 4.2m wide in total, made of closed timber boarding, and with arched tops rising to approximately 2m in height. The supporting brick pillars would be of the same height, plus copings, with timber fence panels around 1.8m high to each side.

4. Policy GN1 of the 2013 West Lancashire Local Plan Development Plan Document (the WLLP) states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. The same paragraph has a closed list of exceptions, which does not include gates, piers or fences.
5. The definition of a "building" in section 336 of the Town and Country Planning Act 1990 includes any structure or erection, and therefore I have assessed the proposal on that basis. The appellant suggests that, because the gates would sit within the boundary of the planning permission for the current dwelling they should be regarded as an alteration to the existing dwelling, and thus within the exceptions set out in paragraph 145 of the Framework. However, the gates' position some distance from the dwelling and the fact that they would be erected where no structure currently exists means that I consider that they cannot in any sense be said to be an extension to the dwelling.
6. I note also that various permitted development rights including enclosures were removed by condition 4 attached to the planning permission for the dwelling, Ref: 2009/0209/FUL. These were specifically withdrawn to protect the Green Belt.
7. I therefore conclude that the proposed gates would be inappropriate development in the Green Belt which would be contrary to the relevant paragraphs of the Framework and Policy GN1 of the WLLP.

Openness

8. A fundamental aim of Green Belt policy, set out in paragraph 133 of the Framework, is to keep land permanently open. Openness is the absence of development, and it has both a spatial and visual aspect to it.
9. The site's boundary to Sanderson Lane currently consists of wire fencing and hedging which, while dense, still allows glimpses of the dwelling and garden behind. The overall size of the gates, piers and fence would be small, and therefore the spatial loss of openness would be limited. However, there would be a greater loss of visual openness arising from the erection of a tall and solid feature where there is currently none. The introduction of these enclosing features would therefore result in a modest loss of openness to the Green Belt, contrary to national and local policy.

Character and appearance

10. There are a number of other dwellings along the road near the appeal site, in particular a cluster of houses around the junction of Sanderson Lane and Bentley Lane some 200m or more to the north. Nevertheless, the general character of the area remains open and rural and could not in my view realistically be described as even semi-suburban. Residential plots are generally surrounded either by hedges or by low stone walls. Driveways are generally open to the road, and where gates are found they are low in height and open in style. The proposal would introduce a more solid and formal boundary feature than those generally found in the area. This would be intrusive in the open rural setting, and incongruous when compared to the other residential boundaries and gateways nearby.

11. Consequently, the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with Policies GN1 and GN3 of the WLLP which require development to be sensitively designed and complement existing attractive attributes and local distinctiveness, appropriate in scale and materials, and to use appropriate boundary treatments. This is a matter to which I attribute significant weight.

Other considerations

12. The house is currently occupied by the elderly appellant and her son. He is likely to move out into his own accommodation, and she wishes to provide adequate security to the dwelling and such things as vehicles on the drive. Whilst I am sympathetic to these concerns, there is no substantive evidence before me which suggests that there are unusual or elevated security risks associated with the property. References to a sense of security arising from the enclosure of streets and spaces in the Council's 2008 Design Guide Supplementary Planning Document (the SPD) are guidance which must be read alongside other advice, including that development should reinforce the character of the area. It also advises that the use of tall walls or fences bounding public areas can create an intimidating environment and should be avoided. In any event, there are likely to be other means of keeping the house and other property secure which would not impact on the appearance of the Green Belt. Nothing before me indicates that alternatives have been considered, and as such I give this consideration little weight.
13. I acknowledge that the proposal would be acceptable in terms of highway safety, and that it would not adversely affect trees or the living conditions of neighbours. However the absence of harm in these regards, and the lack of objections from third parties, are not factors in the scheme's favour.
14. The appeal site is close to the cluster of Listed Buildings across the road at Sanderson's Farm. I observed that the grouping of the buildings around the farmyard and their appearance against the backdrop of open fields and the wooded hills to the south are key elements of their setting. The appeal proposal is sufficiently separated from the Listed Buildings and would be seen in a different context from Sanderson Lane such that it would not disrupt the setting of the Listed Buildings. Again, this lack of harm is not a factor in favour of the proposal before me.

Green Belt Balance

15. I conclude that the proposal would represent inappropriate development in the Green Belt that would also be harmful to openness. In addition, I have found that the gates would be harmful to the character and appearance of the area. There are no other considerations in favour of the development that clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

16. For the reasons given above the appeal is dismissed.

M Cryan

Inspector